ISLAM, THE WEST
AND
HUMAN RIGHTS
A Collection of Articles

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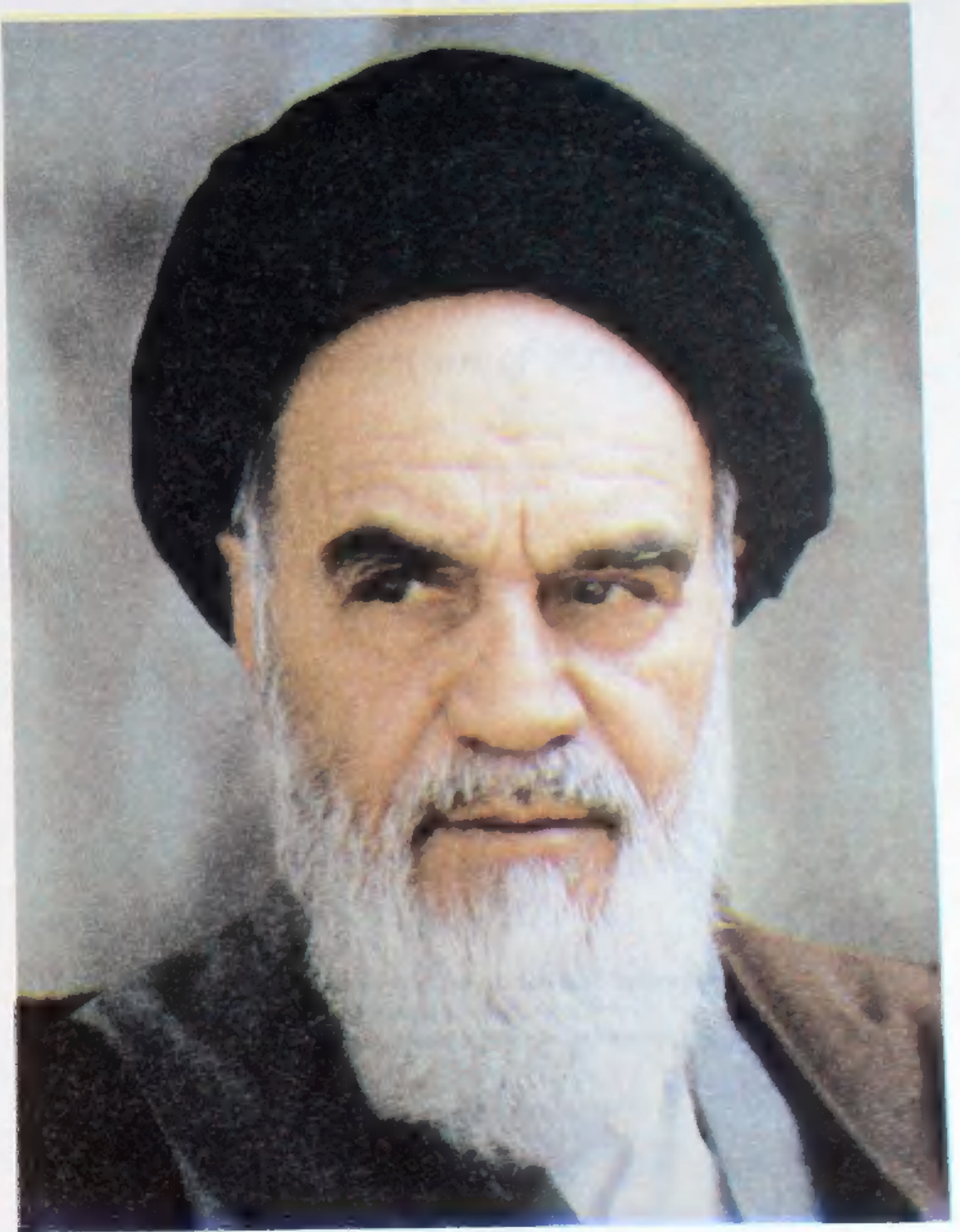
the Compassionate, the Merciful

Islam, the West and Human Rights

A Collection of Articles

The Institute for Compilation and Publication of Imām Khomeinī's Works (International Affairs Department)

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مجموعه مقالات "اسلام، غرب و حقوق بشر" به زبان انگلیسی

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Transliteration Symbols

Symbol	Transliteration
ا ,ء	a, 'a, (')
ب	b
ت	t
ث	th
ج	j
ح	ḥ
خ	kh
د	d
ذ	dh
ر	r
ز	z
س	s
ش	sh
ص	ṣ
ض	ḍ
ط	ṭ
ظ	ẓ
ع	ʻ
غ	gh
ف	f
ق	q
ك	k
ل	l
م	m
ن	n
و	w
ه	h
ي	y
ة	ah

Long Vowels

Symbol	Transliteration
ا ,آ	*ā, Ā*
ای	*ī, Ī*
او	*ū, Ū*

Short Vowels

Symbol	Transliteration
اَ	*a*
اِ	*i*
اُ	*u*

Persian Letters

Symbol	Transliteration
پ	p
چ	ch
ژ	zh
گ	g

Preface

To live better in the world and enjoy its graces, man tends to use every possible means. Throughout life, however, man sees that, as a child cannot continue life without the help of his mother and father, he is not able to fight the difficulties of life alone. He cannot fulfill his physical and spiritual needs, nor is he able to reach desired perfection without the aid of his fellow creatures and, hence, he tends toward communal life. He knows well that to control more satisfactorily the unruly forces of the nature and to get rid of the obstacles and difficulties in his way, he has no alternative but to give up solitary life and give in to social life, exchanging the output of his work and effort with that of others' activity. Everyone has, according to his potentialities and capabilities, accepted to carry out a role and tackle a problem, and as a result, communal life is selected as a way of escape from the difficulties of solitary life.

Once social life appears based on cooperation and coexistence, the issue of responsibility limitation and determination of individuals' duties toward one another emerge as well, particularly when we see man has a sense of egotism and when this sense is aroused, it is required that limitations be devised for the egotists and exploiters who violate the rights of others and cause social bedlam. It is here that "law" appears in society and a series of rules and regulations develop for maintaining and protecting the interest of all members of society and clarifies the limits of individuals' responsibilities in society. Accordingly, rights can be defined as "a set of binding rules and regulations devised for the purpose of maintaining society's order and

regulating the relations between individuals and nations as well as improving the conditions of society."[1]

Jurists and philosophers have long believed that man, irrespective of his religion, race, social position, wealth, and other social privileges, enjoys rights which should be observed by all including the government and the entire nation. These rights, known as human rights, are among the most important and most challenging human and legal issues about the definition of which there has been much controversy. However, that man has, naturally and instinctively, rights which should be respected is taken for granted.

Human rights are the modern man's ideology and are indicative of his position and identity in the modern world. A large number of actions, behaviors, decisions, and plans are evaluated by the touchstone of human rights, and even their opponents try not to demonstrate their actions and decisions in opposition to these rights. Legal, political, and philosophical ideas on the rights of man which have penetrated, during different eras, the thought and conscience of the jurists, philosophers and thinkers, as well as observation of the atrocities and oppressions of Nazism and Fascism during World War II formed the motivation for respecting regard for man's dignity and honor and development of international support for these rights. This important motive entailed the universal declaration of human rights to be provided and ratified. Needless to say, human rights have come to be the main subject of discourse in the current international system and such terms originating from it as "the right to self-determination', "essential freedoms", "humanitarian behavior ever toward criminals" and "observance of women's rights", have more or less fundamental roles for politicians and political expert.

One of the objectives in founding the United Nations Organization was to try to uphold human dignity and honor as well as reducing class differences in human society resulting in equality and brotherhood of the nations. The most important thing done so far in this regard is the drafting of the Universal Declaration of Human Rights. This declaration was prepared by the Human Rights Commission affiliated to the United Nations' Economic and Social Council, submitted to the General Assembly, and ratified in Paris Summit held in 1948. The declaration consists of a preamble and thirty articles. Unfortunately, despite its historical and political value, the declaration does not have in itself any legal validity. It neither includes sanction to the benefit of man, nor does it have executive guarantee, if

[1] Zayn al-'Ābidīn Gurbānī, *"Islam and Human Rights"* (Office for the Dissemination of Islamic Culture), Summer 1368 AHS, p. 14.

which otherwise they did. Legal limitations can contribute to the protection of the people's freedom or enhance their values such as culture, social security and order and public welfare and justice. In order to have the necessary power for making people follow the laws the government should first provide moral grounds for the political obligations, which follow those laws. Receiving political obligations is dependent upon government's legitimacy and acceptability, which, in turn, requires that the government do best its executive responsibilities in maintaining the values and norms of the society and its moral duties in preserving national interests.

The Imām's view on freedom

Now let us see what the Imām's view on the liberals' definition of freedom is. What are the Imām's answers to questions propounded by the critics? What is, in the Imām's view the most likely limitation caused by deprivation of freedom especially freedom of action and the problem of "freedom of what?" Can we come to ■ new classification of freedom in the Imām's views? Principally what is freedom in the Imām's words? What is the Imām's evaluation of freedom in personal and social levels? What are the conditions on freedom? Of what value is freedom in the Imām's opinion? What is the relation between religious and moral conditions with legal ones in his opinion?

In a document, which *Ṣaḥīfeh-ye Imām* calls the most famous document in the Imām's militant life dated 15/3/1323 AHS, the Imām deems the greatest limitation of freedom and obstacle of selection egotism and doing things for personal benefits and for one's self. He also thinks the greatest motivation for freedom of selection or social and political freedoms uprising for the sake of God. Rejecting the pleasure-seeking tendencies of the liberals, the Imām knows the origin of moving toward Humanity and the source of uprising for the sake of God to be freedom from narrow and dark circle of nature. Accordingly both moral selections and the direction of this selection or freedom of action will be clarified. In this historical document the Imām says:

> "The most high God, in this sacred word has talked of from dark house of the nature to end of human destination and this ■ the best preaching God has selected among different moral advices. This is the only way of redemption of both worlds. It is the uprising for the sake of God that has made Abraham achieve prosperity and unbound him from different aspects of natural world. it ■ uprising for the sake of God that helped the holy Prophet Muḥammad stand all alone against the ideas and actions of

Ignorance period (Jāhiliyyat) and overthrow the idols and replace them with monotheism and virtue while helping his sacred essence arrive at sublimity. It is arrogance and putting uprising for the sake of God aside that has driven us to this darkness and has made the whole world rule us and the Muslim Countries to be ruled. Actions for personal benefits have strangled the spirit of brotherhood and unity in the Islamic countries. It is effort for the ego that has so disunited and separated ten million Shiite that they have become the prey of pleasure-seeking bureaucrats."[1]

It is worth mentioning that the Imām repeated these very words thirty four years later in 28/8/1357 AHS. This in itself shows his honesty of thought. It can be understood through the Imām's words that he sees the end goal of every action and behavior the high God and deems Him the final cause. Although this tradition that "whoever comes to know himself, he knows God" has superficial similarity with the values of philosophical idealists, that is, knowing one-self and coming to achieve the authentic and better self. However, the final evaluation should be made elsewhere by the experts. One, undoubtedly, cannot give any idea on this similarity until a comprehensive discussion is made on the ideas of Islam about man and philosophic idealism. However, it can simply be said that it is quite clear and unequivocal that the Imām saw God as the focal point while the idealists' standpoint is only indicative of a certain kind of vague, primary nature whose essence is not known even to the extent of general tendencies. Needless to say, the idealists' standpoint in this particular case is similar to that of the Islamists.

While God in the Imām's view can be seen as the appropriate destination of action and political freedom, he makes mention of negating liberalism's pleasure-seeking tendencies elsewhere: "The western freedom in which all are free to do whatever they wish, however obscene and indecent it may be, is not allowed in Iran."[2]

Along with attending to God and monotheism as the final goal of human action and behavior, the Imām regarded Islam as the "just faith" and perfect religion and "the beginning of knowing God" the basis of all his activities and struggles. With the interest in the freedom and independence of this territory and his efforts to materialize these two divine gifts, the Imām deemed Islam his main and final aim. "Our aim is Islam and we seek Islam.

[1] *Ṣaḥīfeh-ye Imām*, vol. 1, p. 24.
[2] *Ibid.*, vol. 4, p. 319

We are not interested in the freedom and independence in which there is no Islam."[1]

Nonetheless, true that the Imām did not hold freedom to be the final aim and for evaluating it he considers important its implications, but this does not mean that freedom is not of any value in itself. Throughout his political life the Imām defined in different terms the position and significance of freedom in Islam and by using such terms as "natural right", "divine gift", and "God's trust" he deals with it:

> "Islam has bestowed freedom on religious minorities more than any other religion and they should enjoy the natural right God has bestowed upon all human beings".[2]
>
> "Freedom and independence are two things that the human beings seek."[3]
>
> "The freedom which God has bestowed upon us is a divine gift."[4]
>
> "Freedom is a heavenly endowment. We should ask ourselves if we use freedom in an appropriate way or not. Freedom is a divine trustworthy bestowed upon us."[5]
>
> Islam has made man free and has made him dominant over his wealth, life, and household. Islam has said that man is superior, he is free. Any individual is free in choosing residence and in going off the tack he wants."[6]
>
> "Freedom is one of the foundations of Islam it is the same as the original text man is naturally free."[7]
>
> "Any nation has the right to self-determination. This is one example of man's right included in the declaration of human rights as well. Any individual and any nation have the right to self-determination."[8]
>
> "The constitution is the cause of all true freedoms and democracies and guarantees the independence of the country."[9]
>
> "We think that the life's value rests on freedom and independence."[10]
>
> "A civilized country is one which is free, its press is free, and its people are free in expressing their opinions."[1]

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[1] *Ibid.*, p. 273
[2] *Ṣaḥifeh-ye Imām*, vol. 2, p. 250
[3] *Ibid.*, p. 414
[4] *Ṣaḥifeh ye Imām*, vol. 4, p. 400.
[5] *Ibid.*, vol. 1, p. 345.
[6] *Ibid.* vol. 1, p. 103.
[7] *Ibid.*, vol. 2, p. 166.
[8] *Ibid.*, p. 2
[9] *Ibid.*, vol. 3, p. 102.
[10] *Ibid.*, p. 328.

In addition to giving value to freedom, other points which can be elicited from the Imām's views and writings is different kinds of freedom which fluctuates between ordinary kinds of freedom to sublime ones such as martyrdom. Emphasizing on freedom of speech, freedom of the press, freedom of election, freedom of self-determination, freedom of the parties, that of political and religious communities, cultural freedoms and freedom of the religious minorities, the Imām talks of two other freedoms as well. One is the greater freedom, which is martyrdom expressing his deep divine knowledge of man against the material liberals' knowledge of man and the other is being free from the foreigners' interference (social freedom, that is, independence), which will be dealt with in its own turn. Elsewhere the Imām categorizes freedom into two reasonable and unreasonable freedoms. The latter includes colonial freedom, imported freedom, freedom of intrigue, freedom of promiscuity and vice and other destructive kinds of freedom which the Imām condemns.

Among other problems discusses by the Imām are the limiting factors of freedom. Giving priority to the Islamic constitution the Imām makes mention of such sources as Islam and the constitution, the constitution, people's expediency and the Islamic society, the Islamic Revolution, reason, moralities and human traditions, nation's wants, the identity and honor of the Islamic Republic, the identity of individuals, public virtue and independence from foreign powers. Being familiar with the limitations of freedom of the press in the liberals' opinion due to the fact that the limitations are more communal helps the Imām in expanding the above-mentioned limiting factors. Liberal theoreticians altogether make mention of such limitations as defaming, licentiousness, decadence and trouble-making during the war. In other words, due to the fact that the liberals are individualist, the limiting factors for the press are the things mentioned. It is worth saying that this theory is replaced by the theory of social responsibility and in addition to forbidding violating the private rights, protection of social benefits can also be regarded as another limitation for the press.[2]

He mentions in different occasions limitations of freedom based on Islamic regulations, a few instances follows:

> "Freedom in any country is limited to law. It is restricted to the laws of that country. The people are not free to violate the law. Freedom is limited

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[1] *Ibid.*, vol. 2, p. 407.

[2] 'Imād Afrūgh, "*Desired Surrounding for the Freedom of Press*" *Rasāneh* Magazine, vol. 1, spring 1376 AHS, p. 53.

to the laws of the country. Iran is an Islamic county and the rules are also Islamic."[1]

"Freedom should be limited to the laws. Islam's laws are to be observed. The opinion and the press are free so far as the Islamic rules and the constitution allows."[2]

Since he emphasized on the constitution even before the victory of the Islamic Revolution, there would probable arise this question that if the former constitution, however not complied with, was approved of, then what would be the need for compilation of a new one. In 1341 AHS the Imām answers this question unequivocally:

"The point is not that in our opinion the constitution is perfect. That the clergy talk according to the law is due to the fact that the second article of the amendment has made void the law which is against Qur'an."[3]

"We say yes humbly to whatever is in accord with religion and Islamic rules and we are against whatever is in discord with religion and the Qur'an, even if it is the constitution or international obligations."[4]

Other important questions in the realm of freedom refer to its surface level; that is, its social and individual level. In addition to individual's political and civil freedoms for the Imām social and communal freedoms are also of great importance. We can undoubtedly claim that a large part of the Imām's speeches on freedom deal with national freedoms or in other words with independence of a nation from foreign interference. Below is one instance of his speeches on this problem:

"I ask the exalted God to help us become familiar with our national and Islamic duties. I hope that the foreigner's hands will not reach this country so that you yourself will be able to govern your own country and the wealth of the country will be yours. Iran is a country which has everything, but it has so many parasites that nothing remains for the nation. There were and are so many looters that the people had no access to these resources. We have anything, if we are free; we have every thing, if we are independent. And we do not have anything if we continue to live in this situation. I hope we will not live this way from now on."[5]

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[1] *Ṣaḥīfeh ve Imām*, vol. 4, p. 318
[2] *Ibid.*, p. 315
[3] *Ṣaḥīfeh-ve Imām*, vol. 21, p. 45
[4] *Ibid.*, p. 46
[5] *Ṣaḥīfeh-ve Imām*, vol. 3, p. 256

Summary

Among the diverse question brought about in his presence, we could come up with several fundamental answers:

1) Rejecting the egocentrism of liberalism, Imām Khomeinī gives priority to faith, asceticism, and rejection of self-privilege and self-worship and, thus, gives freedom an ethical and religious color. The range of this choice is, on the one hand, limited (opposition to egocentrism) and, on the other, vast (delivery from fear of other than God); though, because of not fitting of its deed into any structure and relationship, it will be more extensive, and, of course, more predictable. The predictable ethical behavior also provides a more appropriate background for socially organized ethics.

2) The ultimate value and goal of any deed and behavior, including freedom of action or politics in the Imām's view, is God and it is through God that Islam is referred to as the objective touchstone for judgment and evaluation of freedom on a secondary level. In the Imām's point of view, there is also a third level and that is being in the service of "mankind", "national flourish", "nation's welfare" and "people's progress in the way".

3) According to the Imām's point of view, however instrumental freedom is and though its evaluation depends on its target, phrases like natural right, God's grants his bounty, etc. suggests this point that sublime values cannot be promulgated in society through denying people their natural right and God's bounty despite their reluctance.

This point hints at the verse "Do you force people to be believers?"[1] This, of course, does not mean that any action is allowed, but according to the Imām, freedom is allowed merely under the aegis of the Basic law

4) The range and types of freedom in the Imām's works covers all citizen rights, including civil rights (freedom of belief, assertion, the press, determination of fate, etc.), political rights (suffrage) and social right (social justice, safety, etc.). Contrary to liberals who emphasize on the civil and political individual rights, the Imām emphasizes the social level of freedom and the determinant sources of limitations (people's welfare, etc.), and this theory gets close to the theory of social responsibilities in freedom of the press. Therefore, with the inclusion of communal criterion like Islam, nation's welfare, humane ethics and conventions, common dignity, etc., the detrimental factor mentioned by liberals, will be criticized.

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[1] *Sūrah Yunus* 10:99

5) Beside the Imām's references to freedom, its status, types, levels, and its determinant sources, he doesn't render a particular definition for freedom which is most controversial.

2) The concept of democracy

This concept, like freedom, is contradictory and paradoxical and different definitions have been presented in this regard. Democracy is comprised of the combination of two Latin terms: "demos" meaning people and "Kratein" meaning to govern. This term refers to people's government or to put it more clearly, governing by people. This word, used by Herodotus (the Greek historian of the fifth century B.C.) for the first time, was attributed to a kind of government "by people" as opposed to aristocracy, oligarchy, and monarchy (government by the best and noblest men, government by a group of people, and government by an individual). The pure and noble form of democracy as a kind of government run by people, in which everyone has the decision-making right as well as an active role in it, only belongs to a particular period of ancient Greece where people and the political society were more limited. This type of democracy, more or less, was dominant in Athens in a limited period of time. The procedure was such that a committee where in membership for men was free (women, slaves, and strangers were deprived of this right). Of course, in that era, many issues were conveyed to the selected men of status, but on the whole, the committee would make the important decisions, however, in the same, era, prominent critics like Plato opposed the idea of equality of human beings and identical potential of recognition and talent, practically emphasizing on culture (knowledge and beauty). Of course, in denying people their rights, they were in the same line with proponents of democracy who would take from women, slaves, and strangers, their rights, with the difference that the proponents of that era, would give equal rights to men, while the critics did not even allow such equality.

Incidently, a part from the possibility or impossibility of democracy in line with the above concept, the main criteria of democracy is founded on the idea that "decisions affecting the society as a complex, must be made with respect to the general opinion of that society and the members must have the equal right of participation in decision-making."[1] It ■ clear that democracy based on the equal right of all members participating in making decisions, is essential, but whether all members use this right or not, is another matter. It

[1] David Bioham Koyen Boyel, *"What ■ democracy"*, Translated by: Shahrām Naghsh Tabrīzī, Tehran, *Qoqnūs* Publications, 1376 AHS, p. 17.

is right of making decisions for all that, in practice, distinguishes democracy from other political organs. Of course, in case of inadequacy and fear of public overthrow and disruption, some of the political organizations provide a route for general participation in a way that it should be differentiated from democracy as a primary right. It is due to this right in democracy that people can decide and this right also emanates from a structure of defined principles like the Basic Law, and its legal basis.

In initial realization of democracy, free men and non-strangers, with respect to the range of population and the small political society, could participate in the process of decision-making. But nowadays this right becomes vaster and more general. Women and slaves' prohibition from participation has been rejected, however, because of an increase in population, complexity of structure, labor distribution, etc., the possibility of general participation in making basis decisions of society, or in other words, direct democracy is rejected. So direct democracy has given its place to indirect democracy. In this case, instead of people's direct participation in the process of decision making, they vote for the people in whom they have confidence so that these representatives would make fundamental decisions for and instead of them. Such individuals are practically people's representatives or their envoys, and according to Edmund Burke 31[1], people vote for those who, based on their knowledge and insight, can decide for them, and thus practically the issue of representation is rejected; since it is a particular, specific and defined issue while representatives can make decisions in matters that are not necessarily defined and specified to particular issues. Only in one case can representatives function as people's envoys and that is when the made decisions are put into referendum and election in all aspects by people which because of limited budget and time, is impossible in practice.

In most of the democratic governments, democracy means the government of representatives. The common citizen enters the process of decision-making merely through voting for a representative or policies of a party, but the responsibility of deciding about objective matters is left on the shoulder of the elected committee of representatives or the executive committee which acts based on the satisfaction of the law-makers. So what we have is oligarchy which has been elected as a whole by people and is responsible [illegible] a whole. Their being responsible means that in the following election there will be a possibility for replacement. Of course, it should not

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[1] Raphael, op cit, p. 149.

be forgotten that pure democracy is possible in theory, whereby referendum is held on fundamental issues. However, generally speaking, the prevalent democracy in the current modern world, the democracy is either indirect or representative.

On the other hand, it cannot be claimed that a political organ is democratic if people do have the equal right for deciding but are not allowed possibly to use it, for people may legally have many rights, but their rights may be neglected or trampled on through political agents' headlessness. Therefore, a democratic society is one in which people have the mentioned rights and can use it in practice, joining in functional decisions directly or indirectly. Of course, people might not be interested in political activities, but their right to take part should be kept intact all the same. In a democratic society, disinterestedness and indifference is undoubtedly not a matter which could be neglected, but it should be discussed in another context.

On the whole, a modern democratic society is a society where people have the right to decide and realize this right indirectly and through electing their representatives. These representatives, with respect to their knowledge and insights, decide instead of people. Here a question comes to the mind: in direct democracy, this question goes back to people's disinterestedness in taking part in the process of making decisions. In indirect democracy, the question refers to the impossibility of people's engagement in the mentioned process. The question refers back to the realization of Abraham Lincoln's democracy; meaning a government by people or more extensively "the government of people, by people, and for people." If in democratic governments, "people decide", how many individual decisions should be synthesized in one communal decision, so that one can call it communal decision making?

One simple reply is looking at democracy as the majority's government. The majority's decree should be regarded as the decree of the whole communion. However, it should be noticed that a decree made by the whole communion is significant of something more that the majority's decision, and thus democracy in its pure meaning should not be viewed identical to the majority's government.[1] Despite the substitution of the majority for the whole, the phrase "for people" means a government based on the majority's opinion which should follow all people's benefits and interests. Otherwise, the possibility of transformation of the majority's government into the majority's dictatorship increases.

[1] Barry Holden, *democracy*", in oafhwaited Baffomore (eds.), The Blacknell dictionary of twentieth century soual Thorght Oxford Blackwell 1993 p. 142

There is a secondary meaning beside the basic significance of democracy, which is due to proximity and connection between the concept of democracy and equality.[1] Decision-making by people necessitates that each person have an equal voice: one person, one vote; otherwise, the above decision will be made by a restricted group, not all people. This proximity is so much that sometimes equality in democracy obtains a functional role and suggests a second meaning to the mind, and that is the attribution of democracy to a society wherein equality exactly means social justice. This meaning can mainly be traced in concepts like social and economic democracy. Some of the political thinkers give a different picture of the interrelation between democracy and equality and claim that freedom and equality are connected.[2] Of course, this connection in western democracy does not mean equal right and opportunity for freedom and individual's self-reliance and in Eastern or social democracies the emphasis is mainly on social and economic dimensions, equality and brotherhood. To put it differently, in liberal democracy freedom is emphasized while in social democracy equality is underscored.

In the same line, liberal democrats believe that there is a necessary connection between the concepts of freedom and democracy, but it should be pointed out that this relation is not so much vital either. Opposite liberalism – which pursues freedom with the meaning of nonexistence of restrictions and limitations in accomplishing individual wishes and elections – is the opposite of egocentrism and authoritarianism. At least, it is basically possible for democratic, totalitarian, egocentric (autocratic), and authoritarian government to act according to liberal principles. The fact that government is electable, does not automatically avoid the limitation of people's freedom. Conversely, challenging an absolutely elected government is more formidable that that of apparently egocentric ones.[3]
It should not be forgotten that Hitler achieved power through party competition and process of election.

It is on this basis that the liberals identify the worst extremist democracy with a threat to freedom, property and culture, and the best democracy with a means for freedom. According to Raphael the Western democracy ensures the most amount of freedom for citizens.[4]

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[1] *Ibid.*

[2] Raphael, op.cit. p. 142.

[3] Antonym Arblaster, *Ibid.*, p. 115.

[4] Raphael, op.cit. p. 142.

needed, against countries. The declaration, therefore, like all other declarations of the General Assembly lacks the necessary legal value. However, the declaration has had determining effect not only on the current functions and policies of countries, but also on the formation of different political and judicial systems. Hence, human rights declaration cannot be regarded as the representative of activities of the United Nations or that of other institutions protecting human rights, and should not, by proving it has been unsuccessful, be regarded valueless and void. It is true that in many cases, the activities of these organs have not been fruitful, and human rights have become a tool in the hands of superpowers, and been used as an ideological cover for their exploitative (hegemonic) actions. Nevertheless, this does not mean that under such a pretext the concepts taken from human rights should be disregarded and neglected.

Human rights are the manifestation of the new position contemporary man has achieved for himself. According to the Universal Declaration of Human Rights, ratified in 1948, "human rights are the common standard of achievement for all peoples and nations that should be observed by every individual and every organ of society. Human rights are the recognition and observance of the inherent dignity of all members of extended human family; they are equal and inalienable rights, which are the basis of universal freedom, justice and peace". Keeping this view in mind and with regard to the fact that these concepts have become general, universal concepts of human rights, no school of thought or party should remain silent on this important issue.

As one of the important branches of public law, human rights and public freedoms study the legal relation between individuals and the political power. Needless to say, on one side of this equation is political power, which while enjoying sovereignty, should acknowledge certain limit as the boundaries of individuals' freedoms and rights. The other side of this equation is the individuals or organizations, parties, and political societies, which enjoy certain rights vis-à-vis the political power. As the absolute sovereignty of government is unacceptable, similarly the range of these freedoms and rights is also limited.

The following diagram shows clearly the relation between these two categories, providing the ways for expansion and illumination of the discussion:

The government limits us with its laws, but as far as possible, these rules should be compulsory or proportionate to citizens' will and contentment. If a man imposes a rule on himself or accepts others' coertion, he should not be considered to be forced to do something, for he has willingly done so. In liberal democrats' opinion, democracy is actually explicated as the school of "do it yourself" and "regret yourself too" and this is due to the particular emphasis on individual freedom.[1]

By the way, regardless of the variety of systems which make the individual democratic, and in "Holden's" words, the only affinity among such variety is acknowledging some sort of admission of and satisfaction with democracy, so that for some, democracy merely means a "hurrah".[2] It should be admitted that the dominant democracy which has a specific emphasis on preservation of individual freedom through limiting the power of government and casting votes in elections. Liberal democracy is after some types of political structures and processes which are necessary for restricting governmental power and providing a ground for elections. The most prominent of these is the concept of multiple systems and party plans for confronting with the government.

Emphasis on election as an objective criterion for democracy is of particular importance in liberal democrats' view. In his the Third Wave Democracy, Samuel Huntington, with reference to . . . , points out three common implications with respect to the serious complexity of the definition of democracy.[3]

1) democracy based on authorities of power for government (governing people);
2) democracy on the basis of governmental objectives (common welfare);
3) Democracy based on the procedures and functions involved in establishing a government.

As regards the formidability and ambivalence of the first implication, he suggests democracy based on a procedure in which the foundation is the election of leaders by people through free and competitive election. Here, we can call the political system democratic, where in the authorities can be elected through free people who possess the suffrage right and can vote correctly having an honorable, competitive and free participation in step by step elections. Due to this definition, democracy is comprised of competition

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[1] *Ibid*

[2] Holden, op.cit, p. 142

[3] Samoel Hauntigon, *"Third wave of democracy at the end of the twentieth century"*, Translated by Ahmad Shahsā, Tehran, *Roznâmeh* Publications, 1373 AHS, pp 9-10

and participation as two dimensions. Such a democracy respects and admits social and political freedom, such as the freedom of assertion, meetings, and organizations which is necessity of political arguments and can be extended to competitive elections.

The prerogative of liberal democracy is multiplicity and diversity in society and equality of citizens according to the mentioned meaning. In the light of this diversity, the discussion of conviction and reconciliation of the democratic approach means to resolve the tensions and not the authorities' dictation or power demonstration. Without the freedoms also considered in civil and political rights, the issue of freedom as a method for expression of opinions and resolution of social strains would not be realized.[1]

It was mentioned that liberal democracy puts special emphasis on securing individual civil and political freedoms through limiting governmental power. This would bring about the basic question that if government is peoples' representative, and its power should be limited, will it not mean that people's power is also limited?

Supposing that government is the resultant of algebraic sum of communal forces, wouldn't the limitation of its power and responsibilities be paradoxical? Seemingly, the answer to such questions will not be clear. What is important for liberal democracy is preservation of the individuals' civil and political rights, not social and communal ones. The more important is individual freedom, not the majority's wishes, even if it is in the service of public welfare and interests. This way, it does not seem that the term democracy can be used with its agreed and conventional meaning; that is, government by people. In other words, freedom with its liberalistic and democracy with its initial meaning cannot be brought together even if they have a necessary and inseparable connection.

As a final word, it is asserted nowadays and with respect to the reality, that conventional democratic and mainly radical democratic theories should be replaced with more real and modern theories, regarding the complexity of modern political organs and lack of knowledge and interest of voters. Among these, the theory of elitist democracy is of specific prominence. Of course, the theory of elitist democracy, in its own turn, is criticized by theoreticians claiming that a total communal participation in areas beyond the political system-areas of vocation and economy-is necessary.[2]

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[1] Bitham Roboyal, *Ibid.*

[2] Holden, op. cit, p. 144.

Thus on the whole, democracy is defined by people and is realized in the form of people's presence and participation in decision-making.

The current democracy in the world is the indirect one in which people elect from among themselves so that the elected ones would decide for them based on their own insight and knowledge. So practically, the democratic political organ transforms into an oligarchic organ where in a group decides instead of all and decree to them. The difference is that, firstly, their reign is dynamic, group-like, and limited to a specific era and, secondly, as will be elaborated later, it does not need have the doctrinal and ethical (knowledge and justice) conditions which are necessary for *wilāyat-e faqīh*, and is mainly based on materialistic and individual or communal privileges.

The liberals emphasize on the freedom dimension of democracy while socialists emphasize on its equality dimension. Liberal democrats pursue a kind of government wherein even if authorities are elected by people, but in a way believe in the corruption caused by power concentration and limitation of governmental power and responsibilities, and would like to have a mechanism for balancing governmental power on the one hand, and structures for expansion of civil and political rights in order to extend the variety of people's choices on the other. For liberals, using the term democracy with such a content seems to be unjustifiable.

However, socialists' emphasis is mainly on equality or social justice of democracy, and a communal government as an elected government of people for doing their communal wishes. In other words, if democracy means a "government by people" and the elected government is necessarily limited, it will not be legitimate, since people might want a government of justice and community, which is oriented toward the social dimension of citizen rights and decreased the individual's civil and political rights.

It was pointed out that the main measurable criterion for democracy is that of casting vote and election. Certainly, the criterion is not irrelevant to specific intellectual and theoretical foundation, since modern democracies are actually based on negation of legitimacy of conventional and divine government, and tend to the theory of social contracts. Since political thinkers have sufficed with the objective criterion of voting in the definition of democracy, I, too, will do the same and discuss the intellectual and theoretical basis of democracy later.

Imām Khomeinī's' standpoint on democracy

Here, the Imām's definition of democracy will be examined to see whether in the intended political organ, there is an established definition of democracy. In diverse occasions and mainly in response to foreign journalists, the Imām has used the concept or its implications differently which can be deduced with a little ponder. Chronologically, his quotations are as follows:

"The Shāh will leave as a result of the community's revolution and the government of democracy and Islamic republic will be established."[1]

"We want the establishment of an Islamic Republic and that government depends on general votes. The final form of the government will be determined by people according to the conditions of the present society."[2]

"We claim that your government is not democratic, but autocratic with diverse forms, and your presidents are also autocratic in different ways. It is democratic in word, not in deed. Words are abundant, but they don't have any meaning."[3]

"The regime replacing the cruel one of the Shāh, will be of justice, the counterpart of which is and will not be found in Western democracy. It is likely that our intended democracy resembles the existent ones in the west, but the democracy which we will form, is non existent in the west. The democracy of Islam is more comprehensive than the Western democracy."[4]

"Our intended Islamic Republic derives (emanates) from the Great Prophet and Imām 'Alī and depends on general opinion of the community. The form of the government will also be determined with reference to the general opinion: to establish the Islamic Republic based on Islamic principles, dependent on communal opinion."[5]

"Our Republic is the same as everywhere, but it depends ■ Islamic laws. So Islamic Republic means that both the conditions and the rules practiced in Iran, rest on Islam. However, election is done by the community and the Republic is that which is practiced everywhere."[6]

"Our plan is to refer to general opinion. When people are free they will certainly elect a righteous person, so public opinion will not make a mistake. An individual may blunder sometimes, but thirty million people

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[1] *Sahīfeh-ye Imām*, vol. 2, p. 160.
[2] *Ibid.*, pp. 163-164.
[3] *Ibid.*, p. 213.
[4] *Ibid.*, p. 216.
[5] *Ibid.*, p. 230.
[6] *Ibid.*, p. 351.

will not do so. Undoubtedly, when they want to elect someone related to their country's welfare, they will elect the right person, and not a corrupted one."[1]

"The different forms of government do not have a vital role in preserving democracy and providing a greater amount of humane ideals of the community, though some of these forms are preferable over the others. The important thing is the rules which observance is inevitable of governments; if such rules are observed by responsible figures, there will be hope for establishing a modern and prosperous society. This important point is ignored in the world, but we, with trusting in Islam and God, will introduce to the world, [illegible] bewildering truth."[2]

"The Islamic Republic is based on Islamic laws. Perfect independence is preserved in Islamic government. We want to found the Islamic Republic. The Republic will compose the form of the government and "Islamic" means that the content of that form is comprised of divine laws."[3]

"Islam has specified some principles for the relationship between the government and the community, so that each of them has rights over the other and in case of observing such rules, there will never be any such things as the author and the subject. In Islam, government is basically a must and divine duty. The leader has the general duties assigned to all Muslims as well [illegible] [illegible] series of other difficult ones. The leadership of a society in one's hand is by [illegible] means a privilege over others and the leader shouldn't neglect others' rights to gain his own benefit. Each member of the society has the right to question and criticize the leader directly in other people's presence, and the leader must answer persuasively."[4]

"The law of Islam ensures real freedom and democracy and the country's independence."[5]

"The credit for the parliament is due [illegible] its rise from the community. Why shouldn't the communion have the right to vote, while its representatives have this right? What blunder is this? Why shouldn't I have the right to deal with my own property while my envoy has this right? Representatives have rights only because they are your envoys; otherwise, they don't have any right at all. One person doesn't have the right to vote instead of thirty five million people. The same way, fifty or sixty representatives can't vote for thirty five million people. Once the communion itself votes; another time it elects [illegible] group of individuals to vote

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[1] *Ṣahifeh-ye Imām*, vol. 3, p. 21.
[2] *Ibid.*, p. 28.
[3] *Ibid.*, p. 60.
[4] *Ibid.*, pp. 85-86
[5] *Ibid.*, p. 102

for it. So the latter case is secondary, and the suffrage right primarily belongs to the communion."[1]

Conclusion

According to the Imām's point of view, the Islamic government means a government founded on divide laws and the leader should, prior to anything else, be best informed about this law:

"Since the Islamic government is based on law-and only divine law-the leader should inevitably have two prominent features which are the bases of a divine government... knowledge of law and justice. Of course, the features of qualification and righteousness are vital to the leader."[2]

In his book, "*Wilāyat-e Faqīh* (Guardianship of jurist)" he writes:

"If a deserving individual possessing the two features (knowledge of law and justice), rises to establish a republic, he has the same responsibility of the great prophet in leading the communion, and it is a must for all people to obey him."[3]

Else where, the Imām also emphasizes the importance of *wilāyat-e faqīh*? Prevention of dictatorship and autocracy in any of its forms and claims the centrality of justice and law for the leader:

"You should not fear wilayat faqih since he does not want to bully people. If a Jurist (*faqīh*) tries to bully people, he cannot have his leadership any longer... since it is the law which rules in Islam. The prophet was also obedient to divine laws and could not ignore them... is opposed to dictatorship."[4]

"It is wilayar faqih which prevents dictatorship. The one who prevents the president, the army commander, gendarme chief, the major, from dictatorship is faqih (jurist)."[5]

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[1] *Ṣaḥīfeh-ye Imām*, vol. 4, pp. 432- 433.

[2] Imām Khomeinī, Issues and authorities of *Walī-ye Faqīh*, Translated of series of discussions titled: "Vicegerency of Jurist" extracted from "the chapter of trade and dealing in jurisprudence", Islamic Cultural publications, p. 19.

[3] Imām Khomeinī, "*Islamic Government*".

[4] *Ṣaḥīfeh-ye Imām*, vol. 6, p. 97.

[5] *Ibid.*, p. 253.

In effect, what can be elicited from the Imām's accounts are as follows:

1. Contrary to the current view that assumes that democracy opposes authoritarianism and ego centrism, the Imām believes that such opposition is between democracy and autocracy, dictatorship, and cruelty, and by so emphasizing the law-oriented ness of Islamic republic, he avoids the danger of elected dictatorship of the majority. With such a definition of democracy, the Imām seems to get close to the reading of liberal democrats who emphasize on the preservation of the preliminary rights. However, the difference lies in the fact that first of all, the Imām emphasizes individual rights as well as social ones; secondly, responsibility and regard for divine rights also have a prominent status in the Imām's views; and thirdly, given that they want Islam, the Imām claims that, people's role is important merely in determining the form of the government. So it is Islam which determines the principle and content of government, this issue can be found in his theory of *wilāyat-e faqīh*.

In his al-Biy', the Imām mentions that Islam is the founder of the government wherein neither autocracy is accepted based on which a specific individuals' opinions and wishes are imposed on the whole society, nor republicanism which depends on a series of laws of a particular group in the society; Islamic government, on the contrary, is an organ derived from divine revelation, receives succor from the divine law and provides the welfare of Islam and Muslims.[1]

Opposed to thinkers of the enlightenment era who attempt to substitute God and tradition with human's reason, and pretend the illegitimacy and irrationality of divine government, the Imām believes in basic rationality of divine government: "God's government is the only government that reason accepts as right and with open arms."[2]

In the book of... or Islamic Government, looking hierarchically, the Imām pronounces the issue of... in line with divine government and needless of any justification or proof.[3]

2. As was mentioned before, liberal democrats' slogan of "government by people" and their emphasis on freedom and limited government are rationally in compatible, regardless of the current trend of obeying unlimited governments in such countries. However, the Imām's emphasis on people's preliminary rights in all levels is not incompatible and paradoxical, since

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[1] Imām Khomeinī, *"Issues and authorities of walī-ye faqīh"*, pp. 29- 30.
[2] Imām Khomeinī, *"Kashf al-Asrār"* Islamic Massage Publications, p. 222.
[3] Imām Khomeinī, *"Governance of the Jurist; Guardianship of Jurist"*, Tehran, *Amīr Kabīr* Publications, 1375 AHS, p. 6.

republicanism and democracy are influential merely in determining the form of the government. In the Imām's theory of wilayat faqih, people's role is only the objectification of this theory in order to practice Islamic rules. "Government by people" is manifested in determining the type of the government, but people cannot decide to discard Islamic laws or to harm them.

3. In addition to determining the limitation of the role of people's opinion in Islamic government, another point which should be pondered is that we inevitably can see some sort of oligarchic government in all democratic governments mainly possessing the form of indirect democracy; it is the government of a group of individuals over all in which the leaders decide instead and for all. Thus, here too a sort of political and party government can be seen, but since there is no ethical and doctrinal conditions in this government, there is no guarantee for truth, justice of sublime ideals, people's rights and welfare, and therefore, materialism, individual benefits of communal welfare can be traced here.

4. The most apparent feature of democratic governments, is their being elective which is also emphasized by the Imām. In other words, the Imām not only notices the features of elected individuals and the content of the Islamic government, but he also emphasizes the methodology of the government and election of leaders from different levels. Put it differently, in the Imām's view, in addition to positive aspects of democratic government, there is no potential and possible defect.

5. The last word, where the Imām believes in right for the people's right, unlike the parliament membership, he believes in the fact that those elected by the people have representation right. As a result, not only he believes profoundly in the people's votes and their flawlessness but he sometimes also does not acknowledge the guardianship of the representatives. This shows the Imām's high reliance upon and faith in people's opinion.

Finally, it is essential to mention that the basis of government in the Imām Khomeinī's opinion meets some differences with the theoretical basis of western government. This will be discussed in its own turn elsewhere.

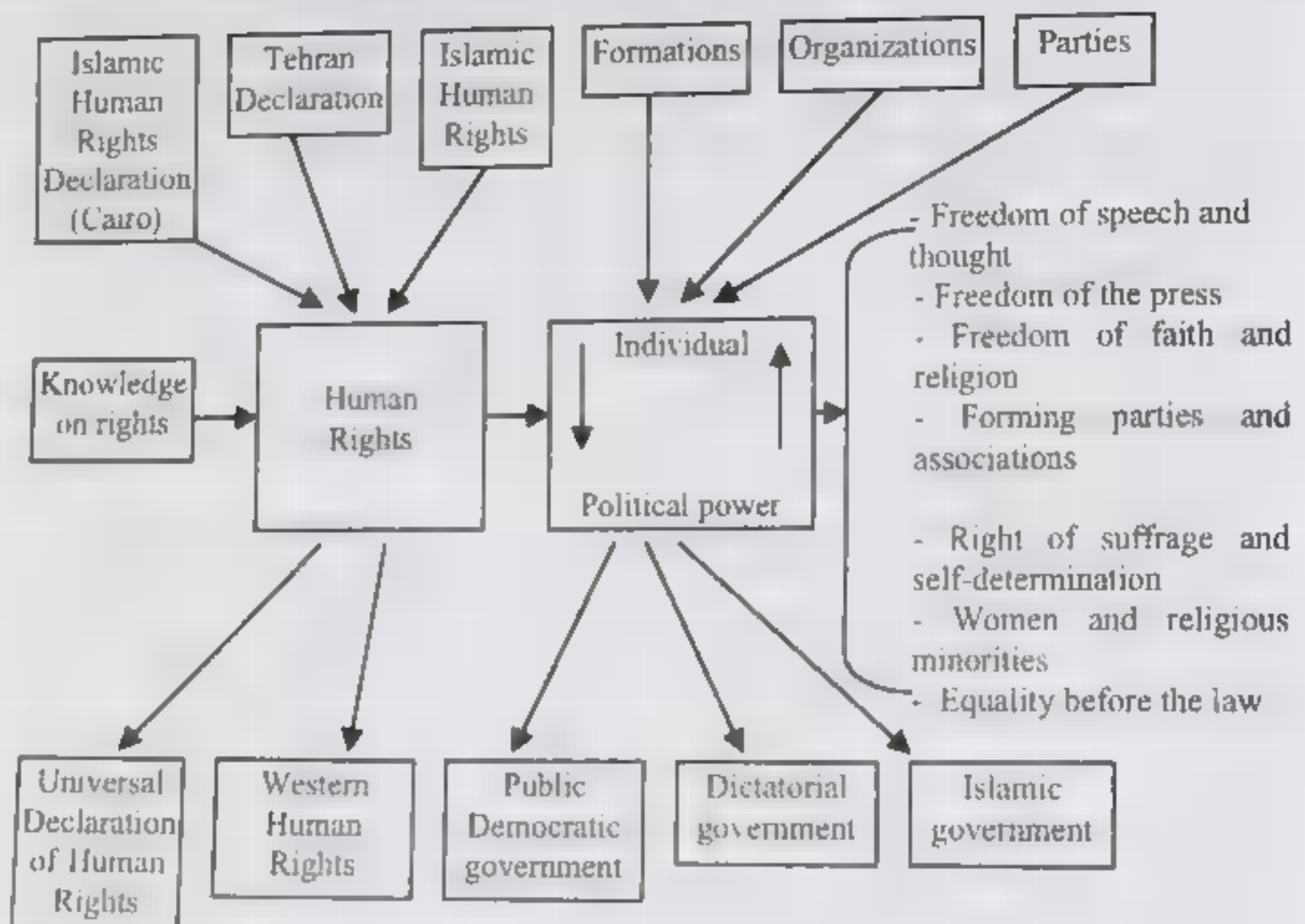
6

Imām Khomeinī and the Question of Freedom and Freedom Seeking

Nāṣir Shafī'ī

Introduction

From the beginning of the Islamic revolution's victory and during the years of the establishment of the Islamic Republic system, there have always been some who, despite enjoying different freedoms like freedom of expression, and freedom of the press and communities, have used parliament benches telling they are not free and that they have not been able to express their opinions to people. During different occasions related in one way or another to freedom and intellectual currents of the country, authorities and those in charge as well as thinkers and scholars and different classes of people alike have expressed their own opinions. Looking at these ideas in *Ṣaḥifeh-ye Imām* can uncover a lot of problems and clarify the obscurities. It is on Imām's followers and his advocates to satiate their thirst through pure stream of Imām's ideas and the Islamic Republic within the tumultuous environment and water the tradition of the Islamic Republic with the pure stream of Imām's views. A draft of the Imām's pure saving stream is given to us, which is:

(The Tehran Declaration further emphasis on the identification and observance of human rights)

The right of freedom of speech and thought, Freedom of the press, Freedom in general elections, freedom of the political parties, equality of all before the laws, the rights of women and religious minorities, are all way of guaranteeing to the implementation of the human rights system and public freedom and are the most important branches of the Law.

As we mentioned that the Universal Declaration of Human Rights was prepared by the Human Rights Commission affiliated to the United Nations' Social-Economic Council submitted to the General Assembly and ratified in 1948, in the Paris Summit. It consists of a preamble and thirty articles. The preamble of the declaration deals with fundamental principles and concepts, which had helped writers of the declaration in compiling future articles. It includes such principles as the unity of the human family, the inherent dignity of man, identifying the rights arising from this a dignity, equality of human beings, freedom of thought and speech, establishing friendly relations among nations, etc.

1. He thought that Islam guarantees freedom and independence

The Imām believed that Islam guarantees all kinds of independence and freedom and if the children of Islam are brought up according to the principles of Islam, the independence and freedom of the country is secured.[1] He held that Islam is dependent upon reason and founded on proof, not fearing freedom of the press and expression of the problems. It is for the freedom and reason[2] and it is neither against freedom of expression, nor against freedom of the press and freedom of speech. It disagrees neither with illumination of the people nor with industry. But Islam is against wantonness and the idea that every body is free to do whatever he wills.[3] The Imām thought that Islam has everything in it. When ■ was claimed that Islam lacks something, for example some words, he became stormy and said that we have our own vocabulary and there is no need for borrowing words from the west. "Islam has the best ones and everything is in it, what we want exists in Islam."[4] He considered Islam the most progressive school which should be known and experienced practically. He knew the law of Islam the cause of the all freedoms and real democracy, guaranteeing also the independence of the country.

The Imām regards freedom as (fruitful tree) and believes that freedom of human beings is one of the blessings in the world. Man tends to sacrifice all his things for his freedom.[5] In the modern world, however, the use, definition and comment on the freedom are made by those who are principally against divine freedom.[6] Only a pen that is ■■ a conspirator one is free. A pen or a newspaper is free that does not want to lead the country to destruction and backwardness.[7]

Likening the intriguing, destructive and degenerative pens to the former bayonets, Imām would say that these pens are the same as previous bayonets seeking to ruin the nation. He believed that the corrupt pens should not be free.

On the pens, which believed, whenever they were debarred, no freedom existed, the Imām wrote:

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[1] *Ṣaḥīfeh-ye Imām*, vol. 9, p. 147
[2] *Ibid.*, p. 186.
[3] *Ibid.*, p. 147.
[4] *Ibid.*, p. 159
[5] *Ibid.*, vol. 10, p. 121
[6] *Ibid.*, vol. 21, p. 109
[7] *Ibid.*, vol. 10, p. 51.

"The problem is that those who are freedom-seekers would become angry and say there is repression when they see that something against the good of the country is prohibited. While in fact repression happens when the pens that are going to write about the interests of your country and to the benefit of you and the nation are prohibited. We cannot say it is repression whenever the pens, which are harmful for our society, for our movement, and for our country are prohibited. This is in fact resisting against corruption. A distinction should be made between these two. Prohibition of immorality and not letting the youths have access to dirty centers and become heroin or opium addicts, or prohibition of gambling and the like are not tantamount to suppression of freedom. It can be called doing one's own responsibility".[1]

Bayonet is now replaced by reason and pen.[3] It is the pens today, and the tongues, which are making to delude the nation and the people. You have to be aware of these problems and try not to be deceived by them.[2] There is a minority today that wants to rule over the majority. Riḍā Khān ruled with force and these people want to rule with the use of pen.[4] We have to know those who are not in the path of Islam and Islamic movement and in the path of the nation through knowing their papers, speeches and behaviors. These are doing their misleading activities through their poisonous pens while formerly they were suppressing the literati through their bayonets. And now the pen is the same as the former bayonet.[5]

2. He emphasized freedom of speech and press, thinking positive criticism useful

The Imām believed that the kind of freedom current in the Islamic Republic of Iran is one, which is useful for the country, for Islam and for the Muslims by which the individuals can take part in the communities and be of use to their country. He believed that people are free to tell their opinions regarding the good of their country and criticize the government, statesmen and non-governmental authorities. They are free to talk on social issues and problems related to the good of their country and there is no limitation at all. They are free to criticize the government and whoever puts a foot wrong. On the press the Imām said the press should reflect whatever happens. Sometimes the criticism is a positive one, which is useful. Positive criticism is profitable and is recommended.

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[1] *Ibid.*, p. 56.
[2] *Ibid.*, p. 35.
[3] *Ibid.*, p. 30.
[4] *Ibid.*, p. 28.
[5] *Ibid.*, p. 27.

Criticism, however, should not be a cause of weakening the government. The press is allowed to take part in communities, to give service to the country. The press is allowed also to talk on the good of the country and criticize the government as well as governmental and non-governmental authorities. It is free in these social problems and in essential issues related to their country, their nation, and three is no limitation at all.[1]

He believed that the press is free in all affairs that are to the benefit of the nation. You are free to publish your views, to criticize the government, and to criticize whoever puts a foot wrong. There is no one to object you in this regard.[2] The Imâm deems criticism a divine gift for the growth of the human beings (172/20).

Intellectual growth of a nation is in knowing the right position and when to do what. A large number of deviations human beings face is rooted in their tactlessness. To propound an issue, which should not be told and avoid telling a problem which should be told. You should all care to put your foot right and do the successive actions in their right place and time. Tactfulness is one of those things, which is profoundly rooted in every society (9/100).[3]

In our evaluations of the government we have to take into account many dimensions. If we look at one dimension only, we will go astray. In evaluating the government's functions, different aspects should be taken into account.

I want to advise all those who have pens in hand and write that they should notice that their pens are the language of their presence before God and they should answer back in the hereafter. It is not the matter of the government or the president. What matters is the system, the system of Islam. What maters is the system of the Islamic Republic, which we all have the duty to protect. All the writers have the duty to protect the system. Suppose a person observes that something is wrong, in this case he can and should give his advice. The language of advice, however, differs from that of besmirching. The pens, we see, are not the advising pens. The government is not important. What matter is the Islamic Republic...? We should notice not to write whatever comes to our mind whenever possible and not thinking about what we write about. The scientists, students, those in charge of cultural affairs and those in the universities should use their strength to help

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[1] *Ibid.*, vol. 9, p. 232.
[2] *Ibid.*, p. 233.
[3] *Ibid.*, vol. 9, p. 100

the downtrodden. The pens should be used in helping the nation and the language in helping the downtrodden.[1]

3. He was against wantonness

The Imām used to divide freedom into two useful and harmful categories. In the former, he knew all things related to the growth of the human beings free,[2] since Islam is in favor of growth and perfection of the human beings. However, he didn't believe in the permissibility of something, which Islam has prohibited because it didn't help human beings to grow and become perfect and it directs him toward destruction. Imām believed that those interested in such freedoms were either hireling of the foreigners or were unaware and ignorant of the problems. He said: "these intellectuals, liberals and writers (not all but most of them) either do not know to where these harmful freedoms and letting the youths do whatever they want might lead the country or they are unaware, ignorant and hireling of the foreigners. They complain that freedom is dying. They believe that freedom is the kind of freedom, which is dictated to us by the west, while the westerners themselves do not actually believe in this kind of freedom because if they did, they would not develop. These kinds of freedom are imported to our country. These iniquitous advocates of the human rights, these writers and liberals emphasize and advertise this kind of freedom for us. The kind of freedom that these gentlemen are in favor of drives the human power to destruction.

Islam prohibits what leads our youths to destruction. Islam needs militant. It needs warriors against infidels. Islam wants to rear militants. It does not want to rear rakes.[3] Those writers who in spite of having freedom to write do no write against Islam and the clergy, are those who are in favor of this kind of freedom. But there is a kind of freedom, which is dictated to us by the west. With a view to leading our youth astray they want their woman and men to be free so that the woman could go to such gatherings, and not to have anything to write about the Islamic Republic and thus undermine it. Hold your hands, hold your pens, and notice that not every thing should be written and published. In the process of any revolution it is tried to avoid chaos and individuals are not allowed to do or to say whatever they will. Now my question is that is prohibition of such a negative freedom harmful to the system or not. Some just think of victory over their rivals and they don't

[1] *Ibid.*, vol. 10, p. 28.
[2] *Ibid.*, vol. 9, p. 232.
[3] *Ibid.*, p. 73.

care if in the meantime Islam was also hit. Sometimes one sees such individuals. They should revise their attitudes. Do not see the dark and bad aspects only.

Sometimes due to some considerations, say when some one wants to weaken Islam either on purpose or unknowingly a new circumstance appears. In such a situation man can no longer say that for example that mentioned person is my friend or my brother.[1]

If we confront with such a situation, our religious duty is to prevent it by every possible means even through denouncement, even though it may involve sacrificing a person or a group for a nation.[2] Sometimes the writers do not care what they write since they write well. They are good writes but they do not write good things. They write beautifully and in detail on something the content of which is harmful to the country and in which the youths may be interested.[3]

Our youths and our nation should be cognizant. They should notice that America does not come to the battlefield with bayonet but by pen.[4]

My dear brothers, my enlightened and scholar brothers, my brothers at universities, dear students, respected clergy, market associates, precious workers and employees all unite. Come and use your pens and speeches to the benefit of the downtrodden. You intellectuals and writers use your pens and speeches for the sake of the downtrodden and curing the unclean and dirty eyes of the men. You should put this chaotic situation in order. By this kind of freedom they want to destroy and corrupt our youths and men. They want vice to be allowed.[5]

All things helping the growth and perfection of our sisters and brothers and beloved children are allowed. What is prohibited is what Islam has prohibited.[6]

They were trying to import from the west all things. They wanted to import into Iran colonial culture and make the people love that culture through their extensive propaganda. They wanted, under the name of truth, to import into colonial and semi-colonial countries a particular sort of democracy named Western democracy. All their things brought here under the name of perfection, freedom, democracy and culture are imported into here in particular ways. The freedom they prescribed for the eastern countries

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[1] *Ibid.*, vol. 20, p. 35.
[2] *Ibid.*, p. 72.
[3] *Ibid.*, vol. 10, p. 66
[4] *Ibid.*, p. 156
[5] *Ibid.*, vol. 9, p. 231.
[6] *Ibid.*, p. 232.

was the cause of the destruction of our nation and our youths… the freedom and democracy they brought is not true. The fact is that they do not want our country to be free and have one ruler and have the rule of people over people. These problems are not important for them. Unfortunately some of our writers and intellectuals and some of those who are educated either have been deceived by what they have said during the last fifty years or so and are unaware of the problems or are quite aware and on purpose are trying to foment the problems. In the later case they are hirelings. Not all things that exist in the west including their sciences exist here. They only wan to develop the universities to a certain extent with no moral and religious background and content. Even scientific content of the universities is not the same as theirs.[1]

4. He by no means believed in the negation of the people's freedom

Believing that the Islamic Republic of Iran is the result of the protection and self-sacrifice of the people, the Imām held people's services the cause of the survival of the revolution. He believed that the authorities of the Islamic system should try to satisfy people's will and avoid non-Islamic and non-human behaviors. Since he believed that people are in favor of Islam, he would assert that people's freedom should be observed and that we have to let people be free and that the government should pay attention to prevent any deviation.

The Imām's belief in freedom is the zenith of populism not found in any other schools or theories particularly the modern ones and is indicative of his sublime views on Islam, people's rights and their cooperation in their self-determination. On the freedom of people in taking part in the elections the Imām says:

> "People should be free in the elections. We should behave in a way not to impose a particular person upon people. No person, group, foundation, society, party or community can interfere with the choice people make and no one can decide for other people a particular person or persons and canvass support."

He said:

> "Thank God, our people have favorable political-religious growth and are religious themselves, they know the suffering of the downtrodden and try to

[1] *Ibid.*, p. 255.

select a person familiar with political-religious problems and in concordance with the downtrodden. He would recommend people to consult the clergy and the individual they trust and then vote for whomever they like. The people should not step aside. If they do we will fail. People themselves should not let the dictatorial and inept persons to intervene. If certain individuals decided to choose an inept person, the people should avoid voting for them. If the people failed to discern their ineptness, the parliament should not receive them. People should not vote for those who are suspicious and those who are astray."

In other guidelines the Imâm says:

"People are free in the elections and need no guardian. No person, group or party has the right to impose a certain person on people. The Islamic society of Iran, which through its wisdom and political growth has chosen the Islamic Republic of Iran and its sublime values as well as the sovereignty of God's laws, will undoubtedly have the power to differentiate and select the best candidate. Consultation is one of the Islamic prescriptions. People consult their confidants and those they trust. The individuals, groups and the clergy can introduce their candidates as far as they are allowed and no one should expect others not to express their opinions. People, altogether, identify certain candidates through wisdom, clairvoyance and research, regarding the experiences, case history and political-religious characteristics of the candidates. Brave people of Iran vote for candidates, who believe in Islam, are loyal to people, feel responsible in giving service to them, have experienced the bitter flavor of poverty and are in practice and word defender of the Islam of the bare-footed, Islam of the downtrodden, Islam of the martyrs of history, Islam of the militant mystics, Islam of the mystic good-natured and in one word defender of the pure Muhammedan Islam. Those who are in favor of capitalistic Islam, Islam of the arrogant, Islam of the stony affluent, Islam of the double-faced, and Islam of the luxurious and in one word those who are defenders of the Americanized Islam are better to be rejected and made known to people. Since the parliament is the house of all people and is the hope of the downtrodden, no one should expect within current circumstances to see parliament members from one particular group or party."[1]

[1] *Ibid.*, vol. 20, p. 194.

5. He did not believe in conflict and violence in encountering opposition thoughts and currents

In encountering different political and intellectual currents in the society, the Imām believed that they should be treated culturally up to the moment that it is felt they are intriguing. In case intrigue is felt on their part the government determines how to treat them. The Imām would say:

"you can talk in return for what they say, write papers in return for their papers, give speeches in return for their speeches and reflect to them their errors, which are sometimes due to negligence and sometimes on purpose.[1]

You can find some that want, under the name of freedom, import a particular kind of freedom into the country and are interested in chaotic freedom in which every one is allowed to do whatever he wants and talk of democracy and the like, showy terms whose meaning can be found nowhere in the world. Pay attention not to have conflict with these individuals. Conflict is not a proper behavior. We should not behave in a way that proves them self-righteous. When a conflict happens and you have the majority with you some may think that you had no reason to take part in the conflict. As a result it is better to encounter them with no conflict. If they had a certain community you can make a larger one and talk with them. Do not give in to skirmish. But if it is understood that they are going to intrigue our duty will be different.[2] You can discuss the mater with them and invite the Islamic scholars to discuss with them in order to prove that they are hollow. If they wrangled over the problem, try to avoid conflict because one of their tactics is to make you give in to a conflict and use the situation to their benefit. We are in favor of reason and freedom but our duty would be different when we see intrigue and sabotage.[3]

6. He believed in people's freedom and their cooperation in all affairs

The Imām believed that people's cooperation is necessary in all affairs. He believed that the revolution is dependent upon the people and that the problems can be resolved through their aid and that the government alone cannot carry out the responsibilities. He deemed criticism and evaluations of the works necessary and essential unless the criticism aims at weakening and besmirching:

[1] *Ibid.*, vol. 9, p. 182.
[2] *Ibid.*, p. 183.
[3] *Ibid.*, p. 186.

"Let people take part in all affairs. Through their participation you will be able to manage the country. Let people take part in economic and cultural activities. Do not hinder what people want to do."

He also asserts:

"People should partake in the affairs of the universities and they themselves should have universities of their own. In the meantime monitoring and criticism is also important both by the government and the people. Problems should be uncovered if there is any. But the government, the parliament, the clergy should not be besmirched. It is a crime. It is an unforgivable sin.[1]

We should not deprive people of freedom. The government should monitor. Do not stop people; only supervise the affairs in order to prevent from any deviation.

On the freedom of the thoughtful youths and the way of treating them the Imām believes that their pure feelings should be respected. He addresses the clergy saying:

"Today a large number of our youths in the free atmosphere of the country feel that they can freely express their opinions on different Islamic issues. Listen to them with open arms and show them the right Islamic path friendly and with deep emotions if they go astray. We should notice that we cannot ignore their pure spiritual feelings and emotions and label their writings with deviation and lead all into doubt. The heart of the youths who express their opinions today undoubtedly beat for Islam because there is no reason to bother them by propounding these problems. They think that the view of Islam is the way they think. Treat them paternally and kindly instead of rejecting them and treating them in a quarrelsome manner. If they didn't accept what you said do not become disappointed with them, because they might fall into the trap of the liberals, nationalists, communists or the *Munāfiqīn* and this is no less than the sin of deviation. We can be hopeful of the future to the country and these future-makers only if we give value to them, ignore their slight mistakes and errors and be proficient in all the methods and principles that lead to an appropriate moral teaching. The atmosphere of the universities and non-*Ḥawzah* (seminaries) centers is in a way that is more familiar with the realities compared with the pure theoretical and philosophic atmosphere. By merging these two cultures and lessening the distance between *Hawzah* and universities we have to widen the field of development and expansion of Islamic teachings."

[1] (30/5).

7

Theory of Political Freedom from Imām Khomeinī's Point of View

Sharīf Lākzā'ī

The subject

On the one hand political freedom is directly related to the political power and to the government and on the other hand it refers to the role of people in the political system. Political freedom can be said to be one of the main and most fundamental problems in the realm of freedom. Some even deem the political freedom "mother of freedoms"[1] and it indeed proves to be so. A large number of struggles against despotic governments and a good many liberal revolutions in the world have aimed at achieving political freedoms. Political freedom, today, is among the necessary and undeniable elements of democratic systems.

The basic question, however, is whether in political views of Imām Khomeinī political freedom in the political system of Islam is regarded as one of the basic rights of people and whether there is compromise between political freedoms and political system of the Islamic Republic. The main

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[1] Please consult to round table discussion titled "Freedom and Justice" published in *"Nāmeh Farhang"* a quarterly magazine, vol. 3, number; 10-11, Summer and Automn Issues 1372 AHS. pp.7-33.

By "dignity" the authors of the declaration meant man's inherent value and status as well as honor, which are greater than his rights. That is to say; individuals are equal in two things: in their intrinsic value and dignity and in the rights which belong to them on the strength of such values. It is said that these rights have roots in man's dignity and honor, which is integrated into mixed with his nature and is common to all; nobody can transfer it or deprive oneself of it, because these rights are not separate from man's nature.[1]

The first Article of the Declaration affirms: "all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood."

Article 2 recognizes the rights and freedoms of the declaration for all individuals without distinction of any kind such as color, sex, race, nationality, religion, property, or birth status.

The rest of the articles of the declaration can be divided into four groups: the first one is on personal rights and freedoms such as the right to life, prohibition of slavery and torture, the right to protection before the law, etc. The second group consists of the essential rights of man in his relation with family, country, and objects of external, such as the right to marry, equality of the rights of men and women in marriage, the right to citizenship, the right to seek asylum, and the right to property. The third category covers public freedom and fundamental political rights like freedom of thought, belief, speech and the press, freedom of the communities, and the right to take part in elections. The fourth group includes economic, social, and cultural rights; several examples of which include such rights as the right to work, the right to recreation and leisure, the right to protection of scientific, literary, and artistic works, and syndicate freedom.[2]

In the final part of the declaration, Article 30 reads:

> "Nothing in this declaration may be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein".

The General Assembly proclaims the declaration as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping it constantly in mind, strive by teaching and education to promote respect for these rights and freedoms

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[1] Manūchehr Ṭabāṭabā'ī Mu'taminī, *"Public Freedoms and the Human Rights"*, p. 221.
[2] Dr. Sayyid Ḥusayn Ṣafā'ī, *"Human Rights in Islam and the Universal Declaration of Human Rights,"* Journal of Faculty of Law and Political Science, no. 27, p. 4.

hypothesis here (although there are other possible peer hypotheses) is that Imām Khomeinī deems political freedom basic right of people and in his views there is no discrepancy in the political thought and system of Islam.

Testing this hypothesis, this paper tries to elucidate the meaning of political freedom while mentioning some of its instances in the political views of Imām Khomeinī.

The concept of political freedom

Political freedom is one in which:

> "One can cooperate in the political and social life of his country through electing the rulers and political personalities and by holding public, political and social positions of his country, or expressing one's ideas and thoughts freely in the political circles and societies."[1]

In his definition of political freedom, Carl Cohen writes:

> "Political freedom simply means freedom to do a variety of different activities the governance requires. These activities fundamentally include freedom of utilizing tools, of practical use in the government, through which the citizen can communicate to others."[2]

The point common to both definitions is the relationship a citizen can have with the government and the political system in general. Political freedom is in fact the mutual relationship between the rulers and the citizens. It is the fact that the people have roles in and effects on forming and directing the political system and that they can direct their political system to their desired direction. Political structure of any system is of great import in providing freedoms, since it is the political system that determines, guarantees and renews the magnitude of the freedoms especially that of the political freedom. The freer and more democratic the political system, the more dominant is the political system and in this case people enjoy more

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[1] Dr. Manūchehr Ṭabāṭabā'ī, "*Public Freedoms and Justice*", Tehran, 1370 AHS, p. 96

[2] Carl Kohen, "*Democracy*", Translated by Farīborz Majīdī, Tehran, I edition, *Khārazmī* Publications, p. 184.

For further detyails on the concept of political freedom, consult to "*Freedom, Power and Law*" by Frantic Noyman, Translated by 'Izzatullāh Fūladvand. Tehran, I edition, *Khārazmī* Publications, 1373 AHS.

Please you might also consult to the speech of Āyatuallāh Khāmene'ī, the supreme leader, on concept of political freedom published in "*Andīsheh Ḥawzah*" magazine, Summer 1378 AHS, issue, 17.

rights in their own political and social lives. In a limited political system, freedoms in general and political freedom in particular do not boom and people are under pressure, in other words, a despotic and dictator system governs.

Discussions over political development today are known to be good starting point for other important problems. Political freedom as a sign of political development provides necessary grounds for people's extensive and serious cooperation in different affairs. Such factors as an increase in the right to vote and free elections with too many voters, increase in people's cooperation in political procedures, people's cooperation in the form of decision-making councils, freedom of the press and growth of the media, felt responsibility of the rulers before people, the rule of law, etc. can all be included in the category of political freedom.[1]

It is by the virtue of political freedom that people show a tendency to participate in different fields, monitor governmental affairs and if necessary start to criticize, oppose, elect as they wish and vote and determine their own political lives as well as political system of their own country. Participation and helping the Muslims in their affairs has been among bountiful teachings of our religious leaders and infallible Imāms. In an honorable speech the holy prophet says: "He, who wakes up in the morning without the intention to help other Muslims, is not ■ Muslim."[2]

Man can, by no means, be indifferent to such an important matter as government which is related to his life, faith, religion, wealth, fame and honor. As the God's descendant on earth, man is responsible for the deeds he does. He should, ■ a result, follow up all the affairs cleverly, with open eyes while participating in different activities. That's why the Imām believes that the future society is an evaluative and critical one, participant in all affairs: "the future society will be an evaluative and criticizing one in which all the people will partake in leading their own affairs."[3]

In discussing political freedom, Montesquieu argues:

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[1] For further details on political development; consult to Dr. Aḥmad Naqībzādeh, Tehran, I edition, Ghomis publications, 1376 AHS, and you might also consult to "*An Introduction to Political Science*" by 'Abdurraḥmān 'Alam, Tehran, II edition, 1375 AHS, A discussion over political development and its positive and negative indicator, p. 123 onward.

[2] 'Allāmah Muḥammad Bāqir Majlisī, "*Biḥār al-Anwār*", vol. 71, Beirut, al-Wafā Publications, 1403 AH, pp. 336, 338-339.

[3] *Ṣaḥīfeh-ye Imām*, vol. 3, p. 53. the Imām's interview with Eshpical Magazine 16/8/1357 AHS.

"Political freedom can exist only in moderate governments, not in all of them, of course, but only in those in which power is not misused. It is proved; however, that a man with power in hand has always misused it and this tendency continues until hat power is limited. Even virtue can be said to be in need of being limited. In order to prevent any misuse of power the governmental affairs should be arranged in ■ way that limits the power."[1]

As stated, in democratic political systems and in Montesquieu's words only in moderate governments, applying political freedom can be talked of. The main thesis of this paper is that the political system of the Islamic Republic of Iran is one, which is democratic, formed by people's movements and activities and whose continuation depends upon people's support. With regard to this important problem, I deal with instances of political freedom in the views of Imām Khomeinī. It is worth mentioning that of many indexes of political freedom; only ■ few major ones will be dealt with here.

Right of self-determination

One of the seminal subjects in politics is the problem of sovereignty and the role of people in it. This is so important that the political system of any country can be claimed to be determined with regard to the effect and role of the people in creating the sovereignty and the political power. Most of the governments today claim they are democratic. To what extent this is true should be thought out and analyzed, however.

In addition to deeming freedom basic rights of the human beings,[2] Imām Khomeinī believes that determining the form and type of the government is also the rights of the individuals: "determining the form and the type of the government is among the most basic rights of any nations."[3] In the Imām's view the right of self-determination is a rational affair. "People should have authority. This is a rational affair. "Any sane person believes in the fact that the individuals' fortunes are self-determined."[4] Elsewhere, Imām cites that the right to self-determination is related to the human rights category and confirms in one way or another, this part of the human rights declaration. In

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[1] Mūsā Ghanī-Nijād, "*Civilized Society, Freedom, Economics and Politics*", Tehran, I edition, Ṭarḥ-e Now Publications. 1377 AHS. pp. 54-55; for further details you might also consult for "*Political Freedom from Mintsikio Viewpoint*" to his valuable work "*The Spirit of Law*", Translated and compiled by 'Alī Akbar Muhtadī, Tehran, 9th edition, *Amīr Kabīr* Publications, 1370 AHS, vol. 11,12.

[2] *Ṣaḥīfeh-ye Imām*, vol. 13, p. 207, vol. 2, p. 130.

[3] *Ibid.*, vol. 3, p. 42.

[4] *Ibid.*, vol. 3, p. 141.

the declaration of human rights, anybody, any nation should determine his or its own fortunes. "Our nation has now risen and is ready to determine its own destiny."[1]

According to what was mentioned of Imām, it is clear that he knows the establishment of the imperial political system illegal, since it was not dependent upon people's votes and people essentially played no role in forming and determining such a government and they were not allowed to have roles in determining their own affairs. "Iranian people are against imperial regime, since it is one that has never been dependent upon people's will and, hence, it is fundamentally against people's will and wish".

At the outset of his entering the country, the Imām made a reference to this fundamental and important matter In Behesht-e Zahrā', saying: "From the very beginning of its establishment, the Pahlavī regime was against law; it was established through force and people had no roles." With this assumption in mind, the Imām set out to overthrow a regime he thought to be essentially illegal and in opposition to the will of the people and void of their wishes. These words logically shows that after the overthrow of the imperial regime, he set out to set up, depending on nation's votes and its wishes and will, a political system legally and he did so.

In his frequent speeches, Imām declared that the government that will hold power will be one based on people's votes as well as on Islamic laws and regulations. The word "nation's vote" means democracy of the political system in his mind, which refers to the form of the system and the words "Islamic laws and regulations" refer to the Islamic aspect of the system, which is indicative of the content of the system. "Islamic Republic" system according to the Imām's definition is a "government dependent upon public votes and opinions, "the final form of our system will be determined by the people themselves with regard to the current conditions and priorities of our society."

The important question, however, is that can the form of the political system in Islam be republic? In other words has Islam defined a certain form of government common to all periods or can the form of the system change according to conditions and requirements of the period. In answer to this question 'Allāmah Ṭabāṭabā'ī says:

[1] "Seeking path through the Imām's saying", vol. 9, p. 144; and Imām Khomeinī "*Pithy Aphorism*", Tehran, 1 edition, published by the Institute for Compilation and Publication of Imām Khomeinī's Works, 1372 AHS, p. 120.

> "In the tradition of Islam there exists no particular order of determining any forms of government and that it has not been mentioned is right. Since tradition is only indicative of the fixed and stable material of religion and the form of the governments can be changed, with transitions of societies, with regard to development of civilizations. What, as a result, can be told in his regard is that the form of the Islamic government should be determined taking into account the three fixed articles of Islam."[1]

In one of his speeches quoted earlier, the Imām thinks that the form of the government, determined by the people, is based on the conditions and needs of the society.

In a republic government, people play essential roles and altogether, all the bases of the system are shaped by people's will and ideas, while people have extensive cooperation in different affairs. The idea that the system of the Islamic Republic of Iran is Islamic is due to the fact that most of the Iranian people are Muslims and it is quite natural and inevitable that they are in favor of having the Islamic laws put into action, as we cannot expect people in a non-Islamic country to be in favor of putting into force Islamic laws. The Imām's hypothesis is that Iran is Islamic and its people are Muslims, hence, its laws and regulations should be based upon Islamic rules. Conceding this problem simply means giving in to people's will and wish.

In answer to the French correspondent's question on the fall of the Shāh's regime, the Imām says:

> "Republic, however, is the same that's found everywhere. Nonetheless, this kind of republic is based upon a constitution that is the laws of Islam. That we talk of the Islamic Republic is because of the fact that both the conditions of election and the laws current in Iran are based upon Islam. The election is made by people, however, and the form of the republic aspect is like those found everywhere."

In the Islamic system and in the views of Imām Khomeinī, any one who wills to come to power should stand the test of people and the potentialities of such a government is based upon people's opinions and wishes, although *Wilāyat-e Faqīh* takes its legitimacy not from the people; it has divine legitimacy. Even the Holy Prophet and Imām `Alī could not establish governments before they were accepted by the people; although *wilāyah* and *imāmah* were put on their shoulders by God, their being accepted depended upon people's opinions and will.

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[1] Sayyid Muḥammad Ḥusayn Ṭabāṭabā'ī.

A major issue in the political system of Islam is that when people accept the rule of a person, their work is not finished, still having certain responsibilities in the government. The relation between the ruler and the people is not unilateral and a mutual relation dominates the relations between nation and government while each is expected to carry out the responsibilities put on their shoulders.

The Imām believes that the Islamic government is a national government, one founded on the divine law and people's opinions. He has not thus come to power through strong-arm as to remain in power. He comes to power by people's votes and it is people that keep him in power and the day he acts against people's wills he automatically falls and the people of Iran make him step down. It is worth mentioning that in answer to the religious inquiries of his own representatives in the Bureau for the Country Friday prayer Leaders he deems majority vote as the sine qua non of being in charge with the affairs of the Muslims. The Imām's answer to this question as well as his other speeches made in negating the imperial regime and on other occasions is all indicative of the fact that he believed in the divine legitimacy and popularity of the sovereignty of the *Walī al-Faqīh* [Jurist-Guardian]. Divine appointment is not in opposition to and does not negate popularity. Further discussion of this issue requires more time and it should be done elsewhere. What has so far been mentioned is indicative of the problems relating to establishment and formation of political system. What comes hereafter are related to the issues, which emerge after establishing and setting up of the political system and happen within and after the formation of the political system.

Freedom of election and opinion

In a government set up based on popular opinion and will, referendum should be held on all affairs and people should have direct or indirect roles in electing the representatives of the political system. There are certain mechanisms for this in the Islamic Republic of Iran, since in addition to the president; Islamic consultative Assembly (Majlis) members, experts' council and members of city and local Islamic councils are chosen by the people. Supreme leader is also indirectly chosen by the people. Regarding the role that the Imām believes for people, it is clear that in the Islamic Republic of Iran all the mechanisms are based on popular opinion and requires people's support, confirmation and cooperation.

People have said yes freely to such a system with such mechanisms through their cooperation. People have shown in practice that whenever they

have been treated honestly, they have always been on the arena, supporting and guarding the system.

Freedom of opinion and election is one inseparable part of popular governments. In a popular government it is not just to impose something upon people and force them to do something. On the fact that no one should impose his opinion upon another the Imām says:

> "Except for rare cases in which Islam is in danger, and this should be recognized by an expert, no one can, in the Islamic Republic, impose his opinion upon others, may it never happens".

Besides assenting to the freedom of opinion, the Imām warns here that except for rare cases in which the honor of Islam and the political system are in danger, and this should be recognized by the experts, nothing should be imposed upon people. Making people to do things they are not willing to do, has destructive consequences. People's losing trust and their keeping a way from the political system are only a few examples. Imposing opinion on people is equivalent to negation of political freedom, which is indicative of a despotic government not a republic one.

Elsewhere the Imām says:

> "Everybody, you and the nation are always free to vote for the person you want to vote for, however that person is not introduced by the scholars of Qum or Tehran theological centers. It is not fair to force someone and tell him to vote for a certain person."

He emphasizes elsewhere the importance of free elections and that nothing should be imposed upon individuals.

> "Thanks God, our people have enough desirable for political-religious growth and they themselves choose the ones who are religious, are familiar with the suffering of the downtrodden, know the religious-political problems and are concordant with the oppressed. No individual, group, foundation, organization, and no party, bureau or society in this situation can interfere with others' elections; neither can they choose as nominee individual (s) for the constituency other than that of their own and campaign for them."

Supervision, criticism and objection

In political systems, mechanisms are devised so that available forces, being independent, monitor and control each other and no force can misuse its power. System of separation and balance of forces, propounded by Montesquieu, in fact took into account this problem in order for the function of political system to remain intact and each force, despite being independent from another force, monitor each other. This mechanism is also accepted in the Islamic Republic of Iran's constitution. Monitoring foundations in the constitution are as follows:

1. Experts' council, which monitor the leader's affairs
2. Islamic Consultative Assembly (Majlis), which monitor the executive and other components of the system
3. Council of guardians whose task is to supervise the compatibility of the laws passed by the Islamic Assembly (Majlis) with religious laws and constitution.
4. The people and the government, who according to the eighth article of the constitution on the problem of invitation to good act and prevention of reprehensible deed etc.

Questioning the executives of the system and their being responsible before people is among factors of further connection between the people and the government. People should be made aware of the issues related to their social and political life and in case the agents of the system make mistakes, people should not vote for them, they should even ask the executives to step down. Political parties and foundations of the civilized society, today, play their roles as the connective links between people and government. On the one hand they communicate people's will to the government and political decision-makers and on the other hand they create a balance in the government's putting into action the laws.

More than anything else, Imām Khomeinī stressed on monitoring and critical aspects, believing that constructive criticism is the cause of society's growth:

> "To the point and constructive criticism is the factor of growth in society. If right, criticism can guide both sides. No one should think he is absolute and in need of no criticism."

He also says: "Through communicating thought and constructive ideas the competitive paths should be cleansed from dirt, deviation, and the two extreme ends."

In the political thought of Imām Khomeinī, welcoming criticism on the part of the executives and the presence of monitoring mechanisms provides people with further satisfaction with the political system. People will have further tendency toward their political system, since they can criticize it, making use of their monitoring means. People's losing trust on the political system is the most deteriorating detriment a government can face. Treating people appropriately and keeping the individuals' respect and honor results in strengthening the bases and forces of the political system. It is widely recommended in the Imām's thoughts and speeches to treat people properly so that they do not turn their back to the government. "Treat in a way that people endear you, support you. There will be no fall for the government people support. A regime backed by people will not collapse." The relationship between the government and people from Imām Khomeinī's point of view is a bilateral one; the government is selected by the people and is responsible for its functions and attitudes. Responsibility of the government before people results, in practice, in people's cooperation and collaboration. Accordingly, the Imām constantly emphasized people's active participation and their supervising roles in different affairs. He thought that people's cooperation and supervision guarantees the safety and security of society. "People's awareness and their supervision as well as their collaboration with, and participation in the government chosen by them, is in itself the best guarantee to security in the society."

Elsewhere in his speeches on other occasions the Imām has recommended all people to monitor all the issues:

> "The entire nation is bound to monitor these affairs, they are bound to tell me I have put a foot wrong if I do so and to tell me to restrain myself. This problem is very important. The entire nation is bound to monitor all the issues related to Islam. If they observed that maybe a committee, God let it never happen, decided to act against Islamic regulations, merchandiser should object, farmer ought to object, so should the teachers and scholars. They should object on order to make right the foot that has been put wrong."

In the Imām's thought, as a result, people from any social level and position should protest against wrong-doings and deviations, they should criticize, invite to good act in order for the society to improve and the government to take the right path, one to the benefit of the people.

Conclusion

Believing that in comparison with the western democracy, the Islamic democracy is complete, the Imām thinks that Islam's laws are the cause of real freedoms and democracy capable of providing independence of the country. It can be concluded according to his words that firstly there exists democracy in Islam, secondly, Islamic democracy is more complete than the western democracy, thirdly, it is Islam's laws that bring real freedom and democracy and fourthly, Islamic freedom and democracy guarantee independence of the country.

Freedom, from Imām Khomeinī's point of view was taken to be among essential rights of man and as a result he believes, in certain ways, in primary rights of human beings: "Freedom and independence are two categories related to the essential rights of man." "It is also the essential right of man to be free and to talk freely." All these ideas are of course put as a result of the fact that Imām Khomeinī regards freedom a great gift given to human beings and internalized in man's existence. He believes that the value of life comes from independence and freedom and that there exists all kinds of freedom in the Republic aspect of Islam.

The conclusion of this discussion can be propounded within several categories altogether:

1. Believing that human beings have the right to self-determination and that they are responsible for the things they do, Imām Khomeinī counts political freedoms as the most essential rights of man. People cannot keep silent on who govern and rule over them, they cannot be indifferent so this problem. Man is God's successor on earth and he has duty and responsibility as much as he has rights.

2. In the political views of Imām Khomeinī, in the Islamic Republic of Iran, as a popular system based on people's will and wishes and dependent upon their opinions, people are free to criticize, advise, complain of the rulers and object to the statesmen, supervise the functions of the government and the statesmen; they should be responsible before the nation for what they do.

3. The Imām believes that in the Islamic Republic system people vote freely in the elections, they vote for whoever they want and choose their representatives and the authorities. No individual, group or person is entitled to sabotage people's votes or to impose something upon them.

4. Although Imām Khomeinī believes in the divine legitimacy of the *Walī al-Faqīh*, and holds that its strength depends upon popularity, in his opinion there is no serious inconsistency between political freedoms and the system of the Islamic Republic of Iran (based on *Wilāyah al-Faqīh*). In the

and by progressive measures, national and international, to secure the universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of territories under their jurisdiction.

The world of Islam and human rights

After the first and the second world wars and the establishment of the usurping Israeli government, and following the war of the 'Arabs with the newly established Israeli government, and American absolute and outright support of Israel, the Islamic countries began to think about establishing an organization based on Islamic values. Following several meetings and exchanging views, the charter of the Islamic countries conference was finally ratified in a gathering held with the participation of thirty Muslim countries in Jeddah in 1979.[1]

In the 19th summit of the foreign ministers of the Islamic countries, held in Cairo, in 1369, the Islamic Declaration of Human Rights was ratified. Investigating and compiling the human rights with regard to sublime concepts and Islamic regulations, the cited declaration holds as its base and the principles of its work, the sacred religion of Islam, looking at the human being and his rights through religious perspective and calling the member states to observe those rights. The Islamic Declaration of Human Rights, like the Universal Declaration of Human Rights, has the legal deficiency of lacking executive sanction, not going beyond advices of moral nature.

This declaration consists of an introduction and 25 articles. In a part of the introduction which indicates its writers' motive for compiling the declaration, it reads; "believing that fundamental rights and universal freedoms in Islam are an integral part of the Islamic religion hence one as a matter of principle has the right to suspend in whole or in part or violate or ignore them in as much ▪ they are binding divine commandments, which are contained in the Revealed Books of God and were sent through the last of His Prophets to complete the preceding divine messages thereby making their observance an act of worship and their neglect or violation an abominable sin, and accordingly every person is individually responsible—and the *ummah* collectively responsible for their safeguard."

The significant difference between the Universal Declaration and the Islamic one is that, in the Islamic declaration, some of the principles of the Universal Declaration are changed, since it was felt that they were not in

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[1] *Ṣaḥīfeh-ye Imām*, vol. 15, p. 148.

political system of the Islamic Republic people have the right, according to the Islamic teachings, to self-determination; they are always actively on the scene, are critics to undesirable acts and deviations and monitor all the affairs.

The scope of the *Walī al-Faqīh*'s authorities is limited to general and social issues and it does not interfere in personal and private lives of the individuals, unless the expediency of the public requires. What can be said here on the theory of "divine selection" is that since the legitimacy of the *Walī al-Faqīh* comes from God, and his popularity as well as his strength is dependent upon people, people can freely and without any force and imposition give into political sovereignty of *Walī al-Faqīh* and, hence, they accept his religious authority both in political and non-political issues. No doubt in a society in which most of the people are Muslims, and the people themselves have voted freely for the political sovereignty of *Walī al-Faqīh*, Islamic rules and regulations and not non-Islamic ones are applied. As in a secular and laical society, Islamic laws and teachings and altogether religious laws are not enforced.

Accordingly, the problem of freedom and *Wilāyah* will not be questioned and the inconsistency between the system of the Islamic Republic (based on *Wilāyah al-Faqīh*) and political freedoms essentially will not be propounded and we don't need to look for finding answers to these questions. In my opinion, there is no inconsistency, as a result, between freedom as an essential right of man and *Wilāyah al-Faqīh* (Jurist guardianship) in the Imām's views.

8

The Significance of Freedom from Imām Khomeinī's Point of View

Sayyid Javād Ṣāliḥī

The concept of freedom has been in the spotlight more than any other concept in the history of political thought and "like other political concepts is inherently controversial"[1] in a way that various definitions have been given for it in different social schools. Lewis defines it as having no unnecessary and harmful conditions,[2] while Berlin defines it as (general) public intervention of people and that people would behave otherwise if these kinds of intervention did not exist.[3] Contemporary philosopher, Raphael, holds freedom as having no limitations at all and distinguishes between two concepts of freedom of will or selection and freedom of action or social freedom. Man, from Rafael's point of view, is free only if he confronts no obstacle both in his wishes and selections and in accomplishing it. The concept of selection itself implies ■ kind of freedom. Selection means

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[1] See to / Gray, *Freedom, Issue in Political Theory* (hp. 1991) chap.1

[2] *Ibid.*

[3] Berlin, *Four Essays on Freedom*, trans. Muwaḥḥid, Muḥammad-ʿAlī, (Tehran, *Khwārazmī* Publication, 1368).

choosing one alternative from among different ones. In Rafael's opinion it is the freedom of action, which is typically considered in political and social debates; freedom of action can be defined ■ a freedom in which there is no limitation in accomplishing the things one has selected or a thing that one has selected with the awareness that he will be able to accomplish it. Arbalester puts forth a similar definition of freedom. He holds that free man is one who confronts no obstacle in accomplishing the things he inclines to do or the things has the required intelligence and power for accomplishing.[1] Why this concept is controversial is due to its general and vague nature. It is general since from the ancient Greece up to the present era politicians, religious leaders, and philosophers have made references to it and it is vague because of the perplexity of its meaning, which is the effect of inappropriate thinking. There are such wide and sometimes incorrect use of this concept that today there are more than hundreds definitions for freedom. As Isaiah Berlin puts it, the meanings of freedom like that of such words as happiness, goodness of nature and reality, are so manifold that they fit into every kind of definition[5], hence, freedom is sometimes classified as philosophical and legal, sometimes as inward and outward or "freedom from" and "freedom in"[2] or freedom and liberality. At times freedom is put against divine servitude and at times against slavery and sometimes against law. It has been sometimes used as one example of democracy and sometimes as democracy itself. Occasionally it is taken to mean a right and sometimes a reality. Sometimes as Hegel did, absolute psyche and the world are seen to be moving toward freedom. At times it is tried to reconcile it with equity and justice and at times this has proved to be a failure.[3] However, traditional solutions in the modern and new political thought outmoded, civil and social freedoms were emphasized. As "Mill" in the beginning of his book on the freedom clarifies, by freedom he means freedom in political and social domains and he is reluctant to deal with this problem from a philosophic point of view. He is also reluctant to discuss such matter as determinism and volition.[4] Contemporary discussions over freedom tends to analyze freedom through this approach in a way that include "such freedoms as freedom of right and freedom of methods"[5] which through the former they put into action justice equity and through the latter

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[1] Arblasster, *Rise and Fall of Liberalism*, trans. Mukhber, 'Abbās (Tehran, Ney Publications, 1367) p. 84

[2] Berlin Ibid

[3] Berlin, Asia *Political Philosophy*, trans. Asadī

[4] Sorūsh, 'Abdulkarīm, "*Dīndārī wa Azādī*" compiled by Fāẓil Meybodī (Tehran, *Āfarīn* Publications, 1378) p. 308

[5] John Stuart Mill, *On Freedom*, p. 17

they decontaminate ignorance and come to know people in a way that today they are registered in civility and modernity notebooks among the topmost rights of modern man.[1]

The proposition of political and social freedoms brought about major controversies. In Tokoville's opinion two groups emerged after the French revolution: one, the advocates of freedom, that is, the liberals, and the other, the religious. These two became enemies; the liberals denounced religion and the religious were against any kind of social and personal freedom.[2] The effects of such thought are quite clear in the constitutional revolution in which a number of intellectuals made campaigns and wrote for and against religion and in the other extreme, some attacked freedom intensely and in their opposition to freedom they held that such instances of freedom as freedom of the press was against religion.[3] This happened at a time when the efforts made by such persons as 'Allāmah Nā'īnī for correcting the false notion of the opposition between religion and freedom came to nothing. For freedom, the late 'Allāmah Nā'īnī cited some instances of the Holy Prophet's tradition; in his opinion constitution and democracy are not at all the same as discarding and throwing away Islamic *ḥijāb* (veil) and virtue, neither does it mean disregarding religion on the part of the Islamic society. He held sophistry in this field as one of the greatest fabrications of the defenders of dictatorship and advocates of the constitution.[4]

If the Islamic Revolution is regarded as a response to the continuation of the crisis rooted in the constitutional revolution, the position of freedom in the thought of the theoretician and leader of the revolution should be clarified. This paper aims at investigating the freedom in the political thought of Imām Khomeinī and propounding its probable definitions in the socio-political domains.

The idea of freedom from Imām Khomeinī's point of view can be evaluated in three levels:

A. His theorizing available in two books, *Ḥukūmat-e Islāmī* and *Kitāb al-Bay'*

B. His theories expressed on different occasions, and public meetings and speeches

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[1] Sorūsh, 'Abdulkarīm. "*Azādiī be 'Unwān-e Rawish*", Kiyān Journal, No. 37, p. 11.

[2] *Ibid.*

[3] Aaron, Riwon, *Fundamental Steps of Thought in Sociology*, trans. *Parhām* Publications, vol. 1, p. 44.

[4] Firāsatkhāh, Mas'ūd. "*Sarāghāz-e Nowandīshī-ye Mu'āṣr-e Dīnī wa Ghayre Dīnī*" (Tehran, Cooperation Publications, 1377).

C. The thought of commentators on the Imam's views

In theoretical level of *Wilāyat-e Faqīh*, the freedom sought by the Imām has a positive meaning, that is, a purposeful freedom, since the corrective aspect of politics is what the Imām had in mind, which is a movement toward God and achieving the desirable. Freedom in the Imam's views is, hence, different from the idea of modern freedom and this difference is rooted in the observance of the religion of Islam. This, however, does not mean overlooking social and political freedoms, since in his lessons on the *Wilāyat-e Faqīh* (Jurist Guardianship) the Imām strongly objects to the lack of freedom of speech, freedom of the press and that of social and political freedoms. If we take the constitution as the Imam's eternal legacy, we notice that respect and regard for the nation's rights and freedoms have a prominent position.

Since the Shī'ītes' theories during the "Absence of the [Infallible] Imām" disregarded the conditions current in society, the desired situation was always analyzed through the perspective of the philosophy of history. It was perhaps 'Allāmah Nā'īnī who first emphasized the importance of deserving social and political rights and monitoring the power and eliminating the dictatorship through emphasis on the social and political roles of the people. After 'Allāmah Nā'īnī, Imām Khomeinī enforced the theory of Islamic government on the practical level by propounding the concept of "*Wilāyat-e Faqīh*" and emphasizing the necessity of the rule of religious scholars during the absence of an [Infallible] Imam. Disregarding two familiar concepts of "divine appointment" and "selection", he stressed attention to political and social dimensions on the civilian level, in other words, he emphasized the relationship between right and responsibility. However, freedom in this "new social system which people have chosen with free and at will" has the following characteristics:

1. The Imām accepted and emphasized the principle of freedom, however, in the social context the freedoms are based on Islamic foundations.
2. The Imām put emphasis on the distinction between freedom and immorality, chaos and sabotage.
3. The Imām paid special attention to national expediency and safeguarding the government and as, contrary to other jurists, believed that the scope of the authority of Wali Faqīh exceed the framework of secondary religious laws, he nevertheless accepted the limitations applied for the purpose of the expediency of the society and people and safeguarding the

stability of the socio-political system. Regardless of their intensity and extent, these limitations are applied in most societies, including Western ones.

Alongside theoretical discussions, objective instances should also be used to render the theoretical definitions clearer. Objective indices and criteria considered today for freedom include:

1. Free press and free speech
2. Acknowledgment the necessity of political parties or different ideological factions
3. Accepting the existence of criticism from society
4. Freedom of such political activities as voting and choosing parliament members
5. Freedom of occupation, place of residence and way of life.
6. Trust in the people and honoring them

Throughout his life and on different occasions, the Imām expressed certain opinions on the issues cited above that can be helpful in many ways and in rendering the political system efficient. We have given a synopsis of them below:

A. The Imām and freedom of speech, belief and thought

The concept of freedom includes this very kind of freedom; before anything else that is, in modern society; it is freedom of speech and thought that occurs to the mind of any individual upon hearing the word 'freedom'. Accordingly, freedom of speech and thought is among the most essential freedoms. The Imām believes in the freedom of speech and thought and at the same time counts some conditions for it so that it does not exceed the previously mentioned limitations. Imām repeatedly emphasizes that "people are free in opinion; no one binds them to believe in a particular idea". Nevertheless, he says that there are limitations to freedom of speech and thought such as dependence upon a foreign power[1], freedom of conspiracy[2] and immorality[3] and being harmful to the nation[4].

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[1] *Ṣaḥifeh-ye Imām*, vol. 9, p. 88.
[2] *Ibid.*, vol. 3, p. 178.
[3] *Ibid.*, vol. 4, p. 259.
[4] *Ibid.*, vol. 9, p. 86.

B. Imām Khomeinī and freedom of the press

Defending freedom of the press, the Imām assigns important roles to the press and media in educating, guiding and the growth of the society, however, freedom of the press, which has also been cited in the constitution (article 24) should neither be detrimental to Islamic principles nor disregard the sacred laws or propagate treachery, falsification, slander and rumor. Since he believes in the organic role of the government, he notes the guiding role of the press in bringing about the good of the country and its growth:

> "In any country, the press, TV and Radio should be at the service of the nation. The press should notice what the nation needs and where the nation is heading. The press should thus enlighten and direct the nation. If there appeared to be newspapers whose destination differed from that of the nation's, the way they took differed from the one the people did, and may it never happen; if they acted in such a way as to write immoral papers and did not write papers for the good of the nation, it would seem that there were traces of sabotage and this could not be called freedom of the press."[1]

C. The Imam's accepting the existence of criticism in society

Criticism is the spirit of freedom of speech. Without freedom in society, freedom of speech will not materialize. Believing this fact, the Imām not only acknowledges freedom but also invites all to recognize it; he holds it as a divine endowment saying, "We should not think that [illegible] one is entitled to criticize us for the things we do and say. Criticism and disapproval are divine gifts needed for the perfection of human beings"[2]. He enumerates elsewhere, however, some of the limitations to criticism[3].

D. The Imam's recognition of parties and different thought factions

Recognition of the parties and different thought factions is a must to popular and democratic governments and is one of the mechanisms that paves the way for further contribution of the people to social and political affairs. Imām Khomeinī agrees with the activity of different parties and factions; however, here as well, like other cases and concepts of freedom mentioned so far, he enumerates the limitations and conditions. Meanwhile,

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[1] *Ibid.*, vol. 7, p. 18

[2] *Ibid.*, vol. 20, p. 170

[3] *Ṣaḥīfeh-ye Imām*, vol. 17, p. 267-268, also Imām Khomeinī, *Kalamāt-e Qiṣār*, (Tehran, The Institute for Compilation and Publication of Imām Khomeinī's Works, 1372), p. 83

he was not very optimistic about history and the functions of the parties in Iran since the time of the Constitutionalism[1].

E. The Imām and freedom of occupation, selection of residence and the way of life

This kind of freedom has been less controversial; hence, the Imām had not talked much on it and in few cases he referred to it while talking of freedom. Imam's standpoint is exactly written in Article 28 of the Constitution, which stipulates, "Every one is entitled to choose an occupation [s] he inclines to choose, one which is not against Islam, public expediency and the rights of others".

F. The Imām and reliance on people and honoring them

One of the most fundamental requirements of believing in and acknowledging freedom in a society, and a prerequisite to this, is reliance on people and deeming them wise and dear. For instance, if one believes that people are free to elect, vote, and criticize, defend to freedom, one must first believe that people are capable of distinguishing between the right and the wrong. Praising people on different occasions, the Imām honored and respected political maturity and effective roles of the people.

With regard to the Imam's standpoint on the two cited stages, it is clear that the Imām accepts, defends and advocates freedom, in particular political and social freedoms which are a must for a popular government and an important prerequisite for democracy. Meanwhile, he expresses his criticism of western freedom, which, in the Imam's opinion, is accompanied with immorality, corruption and obscenity; hence rejecting it on grounds of incompatibility with Islamic rules and teachings. The freedom he believes in is in the framework of the society's expediency, Islam's teachings and the society's regulations, which in turn are based on Islam as well as the needs and conveniences of the society. He differentiates between freedom and treachery and sabotage, and forbids treason, corruption, sabotage and carnality. He deals with such criteria of freedom as the activity of free press and mass media, parties and criticism through examining the convenience of the society and Islamic teachings, accepting and defending them in the light of the two mentioned criteria.

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[1] *Kalamāt-e Qiṣār*, p. 128. also; *Dar Jostejū-ye Rāh az Kalām-e Imām: Āzādī Aqalliyathā-ye Dīnī*, (Tehran, *Amīr Kabīr* Publications.1363).

If we try to evaluate the freedom defined by the Imām via conventional classifications of freedom, Imam's will be categorized as a positive freedom. Since he values the concept of responsible and purposeful government, he certainly keeps away from the minimalist government, which is under the category of "freedom from". Accordingly in Imam's view "freedom of" is a positive concept in which value-related and normative issues are discussed and religion, as one of the sources of determining the values and aims of personal and social life, becomes important because in a religious society like Iran, Islam is a support for the Constitution and for most, if not all, the legal laws. It is therefore important to determine, using religious sources and through political philosophy, the scope of freedom with regard to the ultimate values. The Imām in his theory of the Islamic Government has accomplished this important task. If according to the theories of the postmodernists a distinction is made between the texts, the reader and the author, it can be said that the author and the text were referred to within two levels; however, nowadays the reader and the text are of great importance. The interpretations and commentaries which are the result of the reader-text interaction should also be taken into account. These interpretations are divided into two parts. Some think that freedom is a right and some believe that it is achieved through concession. The definitions made by these groups and parties are rooted in their understanding of the origin and nature of government. They can be regarded as believers in the legitimacy of the government, which is based on "appointment" and "selection"[1]

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[1] Sayyid Jawād Ṣāliḥī, "*Rahyāft-e Hermeneutics be Āzādī dar Jomhūrī-ye Islāmī-ye Irān*", presented in Tarbiyat Mudarris University; Also Muḥsin Kadīvar, "*Ḥukūmat-e Wilāyī*". (Second edition, Tehran, *Ney* Publications, 1378), chapter 12.

9

Freedom of the Press from Imām Komeinī's Point of View

Sharīf Lakzā'ī

1. Prologue

"The free press can bring welfare and bliss to a society and furnish a country with progress and growth", such believes Sayyid Jamāluddīn Asadābādī, one of the great contemporary intellectuals and reformists. In his opinion, the free press is one of the reasons behind welfare and success among the European nations. He states:

> "One of the sources of development in the West is the freedom of the press. This freedom unfailingly makes public the vice and virtue of the rulers. The media reveal and amplify virtues of the virtuous and uncover and renounce the vices of the corrupt. No one disputes freedom of the press, unless it is in contrast with justice and truth or contains calumny. Whoever whose right is infringed by the press maintains the right to litigate, while the media in Iran go the opposite way. They praise both good and wicked deeds. It makes no difference to them; no distinction between vice and virtue. The reason is the rulers' lack of interest in amending the media."[1]

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[1] *Sayyid Jamāluddīn Asadābādī's Letters and Political Documents* [Persian Text], compiled by 'Abulḥasan Jamālī Asadābādī, 3rd Impression, Tehran, Parastū Books affiliated with *Amīr Kabīr* Publications, 1360 AHS, pp. 69-70.

accordance with the Islamic Law, and some of the principles not observed in the Universal Declaration are clearly seen in the Islamic declaration. In Article 3 of the Islamic Human Rights Declaration, for instance, there is mention of the prohibition of cutting off trees, or that of damaging the crops and livestock, or that of destroying the enemy's civilian buildings and installations by shelling, bombarding or any other means, while this is not talked of in the universal declaration.

Article 24 of the Islamic Declaration holds that all the rights and freedoms stipulated in the declaration are subject to and should be in accordance with the Islamic law and Article 25 declares: "The Islamic *Sharī'ah* (divine law) is the only source of reference for the explanation or clarification of any of the articles of this Declaration".

It can be concluded, as a result, that the theoretical foundation of the human rights in western thought and in the Universal Declaration of Human Rights, is secular, while human rights within Islam is in an Islamic framework. Human rights and public freedoms form an important part of Islam and social elements and depriving man of his social and personal rights and freedoms is, in fact, tantamount to suppressing one of the innate wishes of man, since man is innately born free. Man's freedom and equality is one of his sublime and divine aspects. It is the absolute power of God, which guided man toward freedom and equality. In Imām Khomeinī's view, "although freedom stems from man's nature, man himself should be sacrificed the society, while the society is being reformed". This view digresses from individualism and comes close to socialism and this issue, in itself, shows well man's avoidance of living alone, his joining social life, his efforts to determine social laws, rules and regulations and accordingly, to define articles and principles of the human rights.

The system of Human rights and public freedoms, in Islam's view, are closely connected to the concept of man's nature. Imām Khomeinī considers divine nature as the source of freedom. Belief in the greatness and power of God formulates the idea of freedom in the mind of any Muslim and suppresses in him the thought of exploiting other human beings. Western scholars who think of man as a creature quite material, likening him to a "machine", cannot help denying man's divine nature, that is why in the Universal Declaration of Human Rights instead of man's divine nature; only "man's nature" is emphasized.

The basis of human rights from the western view point is the peaceful coexistence through peace, freedom, and justice in human communities. And nobody, of course, doubts the desirability of these affairs. Nonetheless, as it

Is it really the fact, as Sayyid Jamāl says that one of the means of wellbeing of societies and, as the modern term goes, their development, is the free and independent press. The basic question is what those functions of the press in societies are where they can be assumed as ■ means of progress and perfection. Is the press entitled to absolute freedom, or are they to be bound by limits and restrictions? The present study intends to examine Imām Khomeinī's stance on the status and function of the press. So this study will seek the answer to the above questions in Imām Khomeinī's thoughts.

Freedom of the press, which is part of the political freedoms, is in fact one of the most important and most significant cases in point. Political freedom in the Islamic society means that:

> "Each individual in the Islamic society should bear a function in the evolution and direction of the political organization of the society; it should not be the case that only one stratum, a faction, or the affiliates of one ethnic group be entitled and able to manage the country's affairs. Political freedom means that all people, regardless of their tribal, racial, lingual, and religious backgrounds should be able to lead the society to their desired destination. Naturally, in case differences of opinion occur in ■ society, the opinion with more supporters (of course within the framework of the accepted principles and values of that system) will have to be abided by and the rest should be resigned to it."[1]

The definition thus continues:

> "When it is said that in the Islamic society people enjoy political rights, it means that they have both the right to vote and the right to do political activities, to publish newspapers and dailies, to establish organizations, parties, political associations, and to express their political ideas and opinions."[2]

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[1] "*Andīsheh-ye Hawzah*" [Persian Quarterly], vol. 5, summer 1378 AHS, p. 102. This quotation ■ by the Iranian Supreme Leader, His Eminence Āyatollāh Khāmene'ī. This definition not only represents one of the kinds in the field of Islamic thinking, but also presents the stance of those governing the Islamic Republic. It goes without saying that this is the most comprehensive among the existing definitions for political freedom. For further studies see: Dr Manūchehr Tabātabāyī Mu'taminī, "*Public Liberties and Human Rights*" [Persian Text], Tehran University Publications, Tehran, 1370 AHS; Carl Cohn, "*Democracy*", Persian Translation by Farīborz Majīdī, *Khārazmī* Publications, Tehran, 1373 AHS; France Nyman, "*Freedom, Power, and Law*", Persian translation by 'Izzatullāh Fūlādvand, *Khārazmī* Publications, Tehran, 1373 AHS

[2] "*Andīsheh-ye Hawzah*", ibid, p. 106.

In fact, one could say that political freedom is the realization of the mutual relationship between the rulers and the citizens and that the people have ■ function and role in the evolution and direction of their political system and they can steer this system toward their desired end—of course, after dismissing their tribal, lingual, ethnic, and religious ties, which may be found in any one of the members of a society.

Anyhow, according to the above definition of political freedom, people can utilize the press to express their ideas and political thoughts without stinting, to play a part in the political system and to direct the political system toward their goals and aspirations. At the same time, they can communicate their requests and expectations to the political system. According to the religious teachings and traditions, in an Islamic political system all people are entitled to participate and involve themselves in managing the country's affairs.[1] One of the best means of expressing ideas and opinions is using the mass media. Free press that is independent from the government is, in fact, an expressive tongue that openly conveys the people's expectations, requests, criticisms, and protests to the authorities; in the same way as the press dependent on the government exclusively reflects the wishes and views of those in power.

Perhaps we could do without a definition of "freedom of the press", but to elucidate the concept and the attitude of this article, here we provide ■ brief definition. As maintained by the principle of the freedom of the press, "individuals hold the right to publish their ideas and beliefs through writings or the press, without ■ need for obtaining permission or without being prone to censorship."[2]

Sayyied Jamāluddīn Asadābādī puts forward a remarkable definition for 'newspaper' saying,

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[1] The principle of 'Persuasion to the Good and dissuasion from the Bad Deeds' (*amr be ma'rūf va nahy az munkar*), the principle of consultation, advising the Muslim leaders, etc, all refer to the topic of participation in public affairs. We can also refer to the following tradition "Whosoever gets up in the morning without a concern for the Muslims' affairs, is not a Muslim." (*Bihār al-Anwār*, vol. 71, Beirut, p.336)

[2] Alī Āqā Bakhshī et al, *A Dictionary of Political Sciences* [Persian], "*Markaz-e Iṭṭilā'āt va Mudārek-e 'Ilmiy-e Īrān*", Tehran, 1375 AHS, p. 151. Defining the freedom of press, 'Abdorrahīm Tālebof says: "The individual has the right to publish what he writes, and he should not be prevented unless his published text hinders freedom of others or includes insults ■ calumny." Sayyied Mahmūd Hāshemī PhD, "*Constitutional Rights in the Islamic Republic of Iran*" [Persian], vol. 1, Shahīd Beheshtī University, Tehran, 1374 AHS, p. 5. Also see: Mohammad-Ja'far Langarūdī PHD, "*Law Terms*" [Persian], Ganj-e Dānesh Library, Tehran, 1374 AHS, p. 32.

> "Newspaper means that it should impart the facts and scrutinize topics, which can benefit the people, speak about the deficiencies and point out the remedies for imperfections; it should not be full of exaggerations and replete with repulsive overstatements. Such newspapers had better not be published and printed, so their journalists do not ridicule and deride themselves."[1]

So in Sayyied Jamāl's opinion, newspapers and the mass media in general should impartially express the facts and whatever that is beneficial to the people rather than flatter and compliment the holders of political power. The revered Imām Khomeinī, when elucidating characteristics of civilized countries, refers to the free press as one of their topmost hallmark. In his opinion, in such societies, people should be able to freely voice their ideas and opinions publicly, especially through the media: "A civilized country is one which is free, one in which the press are free, people are free to express their ideas and opinions, he stated."[2]

2. The theoretical models for the press framework

In our days, having in mind the dominant atmosphere in the political circles and the press society, we come across diverse and contradictory viewpoints regarding the revered Imām Khomeinī's theory of the press. The basic question is that what theoretical pattern dominates the revered Imām's thoughts.

Different theories have been proposed by the specialists regarding the framework of the press.[3] Although there is not a chance here to elucidate all of the theoretical models for a press framework, the main theories will be touched on for use as the theoretical framework of this paper. In general, we can classify the dominant models for the press framework into three major models: authoritarianism, liberalism, and social responsibility.

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[1] *Sayyid Jamāleddīn Asad'ābādī's Letters and Political Documents* [Persian Text], compiled by Sayyid Hādī Khosrōshāhī, p. 55 (quoting Kāzem Qāḍīzādeh); "*Imām Khomeinī's Fiqhī-Political Thoughts*" [Persian Text], Presidential Center for Strategic Researches, Tehran, 1377 AHS, p. 291

[2] *Kawthar, A Collection of Imām Khomeinī's Speeches with an Account of the Revolution* [Persian Text], vol. 1, The Institute for Compilation and Publication of Imām Khomeinī's Works, Tehran, 1371 AHS, p. 346 (08/28/1357AHS).

[3] Different ideas have been put forward on the theories about the freedom of the press, which cover two to six models. For more details on these theories see the interview with 'Alī-Aṣghar Kiyā PhD, *Intikhāb* newspaper (Sunday Mordād 24, 1378 AHS, No. 103, p. 5); the same points are presented in an article in *Īrān* newspaper (Sunday, Mordād 24, 1378, No. 1311).

a. **Authoritarianism theory**

As said by this theory, which is influenced by the authoritarian environment of the late Renaissance period, the truth rather than being a product of the masses' efforts are the outcome of the attempt by a few intellectuals who guide the masses. The intellectuals are, in fact, the ruling elite, the custodians of the people and are bound by the duty of guiding and enlightening them, because of their higher IQs. In other words, truth and power are the two sides of the same coin and the closer the people to the power hub, the more they have access to the truth.

In this theory the press is typically controlled by the government, so any protest or criticism would be seen as a threat to the security and stability of the state and would be subverted.

In general, it could be said that in this theory it is the ruling political elite who decides whether to publish a newspaper or periodical. In fact, according to this model the elite think for the people, generate currents and in this way take up the intellectual guidance of the people.[1] In brief, this theory is a minimalist approach to the press and their freedom.

Some interpret and elucidate the revered Imām's viewpoint of the press within this framework;[2] therefore what they understand from the words and thoughts of the Imām is limitation and restriction of the press and accordingly they call for more and more restrictions (legal or illegal) in this area. This approach to the Imām's words, sees the press not as a positive factor but a cause of damage and decline for religion and the society's religious system, and instability for the political system of the religious regime, and considers them destructive and harmful to the society. On this basis, the presence of the free and state-independent press in the Islamic society causes frailty and shakiness to the people's religious foundations and brings deterioration to the religious establishment.

Furthermore, in this approach, activity of the free and independent press, even within the framework of the law, may mar the national security and public order. Therefore, the press should serve the regime, and fulfill the whims and wants of the rulers. People do not recognize their own interests and one should decide for them. The press has to be curbed as far as possible accordingly. This approach views the media as exclusive servants of the authority and the political power. Although one could say that such lack of

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[1] 'Alī-Aṣghar Kiyā PhD. Ibid.

[2] The 6th Book of the Press Festival, The Promulgation Office of the Ministry of Culture and Islamic Guidance, 1st impression, Tehran, 1378 AHS, p. 18.

sympathy with the press may be motivated by political confrontations among factions and parties, the truth is that such views can be visibly observed in the society and in the system of the media in the country.

b. Liberalism theory

This theory, which sprung from the growth of political democracy and religious freedom, the expansion of free trade, acceptance of the liberal economy, and the philosophical background of the enlightenment, curtailed the legroom of authoritarianism and proffered a new concept called liberalism. Anyhow, this theory was reinforced in the late 17th century, entered the 18th century and found its way in the 19th century. Liberalism, as a novel social and political system, was a framework in which different institutions including the press played their role consistent with its governing philosophical codes.

This theory emerged when in the 17th century Britain witnessed the government's excessive supervision on the press activities. The government employed various kinds of control and bowdlerization, making the excuse that the freedom of the press was dangerous for the government's security and stability; in fact, the liberalist thinkers' calls for freedom were a reaction to the over-exertion of power. In any case, this theory is in essence based on the classic liberalism and on the idea of a restricted government, the rule of law, prohibition of an autocratic and expediency-bound power, and canonization of private ownership. The freedom materializes in the interactions among people and in the individual's responsibility for their own destiny. As said by this theory, the role of liberalism in the mass media includes an insistence on the significance of the individual; reliance on the individual's reasoning capability, and the concept of natural rights, which comprises the freedom of religion and the freedom of the press and expression.

According to this model, man is a reasoning and sensible being; he is an end and should not be merely regarded as a means. Man as an intelligent organism is able to decide on his/her own interests and to organize his surrounding environment; he is a creature who is unique and distinct from other animals on account of his/her ability to think, recall, utilize different experiences, and to analyze and infer. The realization of the latent human faculties is regarded as one of the ultimate goals and the society and the government should not pursue any other goal but mankind and the realization

of his potentials.[1] After all, this viewpoint has a maximal look at the freedom of the press.

Some read Imām Khomeinī's view in this framework and understand an absolute freedom for the press from the Imām's words[2] and naturally they ask for the making of the basis on which the press can more easily reflect the events, occurrences and facts. From this point of view, the press can walk the way of growth and progress as well as the political development of the society and bestow wellbeing and happiness to people. Also from this viewpoint, the press and media's activity within the framework of the law is not an impediment for the national security and social order, or a cause of disturbance to the calm in the society; rather, it is regarded a source of reinforcement for the national security. From this theory's outlook, the authority and the political power are in the service of the media and press.

At any rate, both afore-mentioned points of view (the restricted and authoritarianist, and the maximal and liberalist) support their interpretation and reading about the press using the revered Imām's words and utilize his words to prove their own understanding. The question is, which theory better tones with the revered the Imām's thoughts. Could it be said that the Imām's idea as regards the press is contained in none of the two viewpoints but it clashes with both, and a third viewpoint has to be considered? This question will be answered after the third model is pointed out.

c. Social responsibility theory

This theory which, in fact, evolves from the liberalism theory, above and beyond accepting the liberalist function of the press, deems other special functions, such as consciousness and accountability before the people and society. The main theme of this theory is that freedom and accountability are two sides of one coin and as the press are entitled to criticize the government and other establishments, they are also accountable concerning the national and security interests and expediencies, and responding to the needs of the society. According to this theory, the public's access to true information is prior to absolute freedom of the press. This theory can meet the demands of the society, provided that the press correctly realizes their responsibilities and base their practical policies on them. But if the press forgets their responsibilities, it would be an obligation for other institutions and centers to monitor the major functions of the mass media and to make sure that these functions are best performed. The proponents of this model say: "1) The

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[1] 'Alī-Asghar Kiyā PhD, ibid.
[2] The 6th Book of the Press Festival, ibid, p. 18.

press have to render an authentic, comprehensive and lucid report of the daily events; 2)The press have to be an instrument for the exchange of ideas and echoing the criticisms; 3)The press have to be an all-encompassing reflection of the groupings present in the society; 4)The press have to mirror and state the objectives and values of the society; 5)The press should have all sorts of information at their disposal and be equipped with the up to date knowledge."

Alternatively, in this theory people have undertakings before the press. In addition to being aware of the considerable power of the mass media, people should recognize that this power is accumulated in the hands of a few and that the press suffer from some shortcomings in satiating the needs of the society, too.

While in the liberalism theory the negative aspect of freedom, i.e. "freedom from" (freedom from external restrictions) was more significant, in the social responsibility theory the concept of positive freedom (i.e. the freedom for achieving constructive objectives) is stressed. According to this theory the state does not have to merely authorize freedom, but it has to actively strengthen and expand it and defend the rights of its citizens when necessary.[1] In this theory, one could observe what lies somewhere between the last two theories.

It could be claimed that the theory of "social responsibility" is the framework best fitting the Imām's words concerning the press, because from his viewpoint the press have a two-fold function: they can move both in the positive track to develop people's capacities and to make them grow and become godly, to develop the Islamic regime, and to fulfill their responsibilities, and in the negative track to make the society stagnant, stationary, and obscene, to go against the public interests, and to act contrary to their responsibilities.

This theory will be able to elucidate Imām Khomeinī's thoughts before and after the victory of the Islamic Revolution. In some cases before the Islamic Revolution, the Imām protested against the press for their freedom and their attack on holy subjects, and asked for their restriction:

[1] 'Alī-Aṣghar Kiyā PhD, ibid.

> "Why do they leave these newspapers free to slander unfairly? If the clergy leave, there will be no patrons for the country. Why is the press so excessively free?"[1]

In such occasions the Imām's concern and emphasis was on the point that the press should be the guardians of the people's values, and they must not insult and defame the beliefs and Islamic sacred issues, which are generally accepted by the Muslim people of Iran.

We would as well observe in the Imām's words during the same period that he speaks of lack of freedom for the press and criticizes the regime, raising the question that why wouldn't the regime let the press be free to express what they believe in:

> "You'd better keep to the Constitution! The Constitution has made the press free; will you do the same? Do you call us reactionaries, who say let the Constitution be abided by; let the press be free?"[2]

Elsewhere he says, "What we mean is that you should keep to the Constitution; the press is free; the pen is free; let them write everything."[3] What the Imām has in mind here is that the press should be able to echo the wants and the will of the public and to criticize the regime and its authorities and policies, and nobody should make them hush and censor themselves.

Therefore, according to this model, no contradiction can be found in the Imām's words about the press, and this theory is the best model with which we can analyze the Imām's words concerning the press. Based on this model, a third outlook forms about the Imām's thoughts. From this point of view the press would enjoy a twofold function: they should both pay attention to the interests and benefits of the people and illuminate these points, and avoid whatever is against the public interests and benefits. In this model, the government would interfere and do its administrative duty when a transgression by the press is observed.

Anyway, this theory can be regarded as the median model or the ideal one for the freedom of the press and the Imām's viewpoint can be assessed and evaluated within such a model.

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[1] *Kawthar*, Ibid, vol. 1, p. 25, 11/04/1341 AHS. These reproachful words of the Imām concerns the press' freedom to insult the holy subjects and the clergy, which was a common and routine practice at that time.

[2] *Ibid*, vol. 1, p. 115, 26/01/1341 AHS.

[3] *Ibid*, vol. 1, p. 120, 26/01/1341 AHS.

3. The functions of the press in the society

Nowadays, the press is in the spotlight for different reasons. One of the reasons is the role the press have in the political growth and development of the society and public culture; [illegible] the same way as,

> "In the west, the published works, the circulation figures of the books, periodicals and newspapers, the abundance and variety of titles, the rate of use of the books and newspapers by the people, the number of people's visits to the libraries, the per capita rate of book purchase, periodicals, etc. are considered as some of the main indexes of growth and development."[1]

In our society, too, the press are considerably flourishing now. The variety and number of newspapers is almost a reflection of existing political persuasions in the society. Besides, apart from the variety and numerousness of the press, it can be observed that people's interest in the press is increasingly growing.

Anyhow, what we mean here is that nowadays the role of the press in our society has not diminished; rather, it is surging and attracting more and more addressees on a daily basis.[2]

Regarding the accepted model for analyzing the Imâm's words, i.e. the social responsibility model, the press assume [illegible] twofold function. In fact, the press are like the two-faced Janus,[3] with each face having a special function and a different direction. As the revered Imâm puts it, "Newspapers and magazines may direct and develop a country toward its interests, or they may do the reverse."[4] Accordingly, the press executives, having an eye on the responsibility and function and importance of media in the society, should envision their incessant presence in the society, be always mindful of the

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[1] Muḥammad-Ibrāhīm Anṣārī Lārī, "*Supervision of the Press in the Iranian Laws*" [Persian text], Sorūsh, Tehran, 1375 AHS, p. 14

[2] Of course today there is talk about the online press substituting the printed press and this is a fact that goes with the predictions. Therefore, we may [illegible] be able to find any trace of the printed press and newspapers [illegible] the future. See *Irān* newspaper's interview with the experts about this subject; Ābān 16, 1378 AHS. No. 1375. vol 5, p. 6.

[3] Janus was the first mythological king of Latium (in todays' Italy). According to this myth, the king was endowed with such clairvoyance by God that he was aware both of the past and the future. His ability to see the past and the future motivated the artists to depict him with two faces. On the Roman coins, too, his image appeared with two faces. By comparing the politics to the godlike king, Janus, in his book, *"the Principles of Politics"*. Morris de Verge, has tried to depict the intrinsic duality of the politics. Morris de Verge, *"the Principles of Politics"*, Persian translation by Abulfaḍl Qāẓī PHD, *Dādgostar* Publications, Tehran, 1376 AHS.

[4] *Ṣaḥīfeh-ye Imām*, vol. 14, p. 248.

good and interest of the society, avoid any kind of extremism, and do not overlook the median and preferred confines and their social responsibility.

It is on this basis that the Imām expects the press, and all the news and information media in general, to play the part of cultivating and guiding the society, "All media are the instructors of a country; they have to cultivate the country and individuals, and should serve people."[1] In this discourse, both the instructing role of the press and their service to people are touched on. In fact the Imām's other expectation of the press is that they would be serving people and publish their hopes and aspirations saying, "The press should be serving the country. They should reflect the wishes and aspirations of the nation; the issues wished for by the nation."[2] Obviously, by serving the country, he has meant the instructing and educating role of the press. He states in this regard, "The press should be serving the country. Serving the country means instructing, cultivating the youth, making gentlemen, and making cultivated men so they will be useful for their country."[3]

Thus, one of the main functions of the press in the Imām's thoughts is human education and cultivation of the youth. In fact, the Imām believes that the press have an important and determining role in nurturing the future thinkers, scholars and politicians of the Islamic society. In a social responsibility model, the press prevent the youth's force, energy, and talent from being wasted and direct them toward fertilization of their thinking, rationality and faith faculties, rather than propelling them toward obscenity and vice and inflicting them with vanity, futility and perplexity. Anyway, since the future of a country is dependent on the toil, struggle and gain of its youth in terms of thought, talent, gift, creativity, rationality and originality, the press can play ■ fundamental and major role in this regard. The other function of the press in the Imām's thoughts is that they are an important factor for safeguarding freedom and independence of the country. The maintenance of the 'liberty' and 'independence' which emerged since the establishment of the 'Islamic Republic' depends on the alertness and vigilance of all walks of the society, and one of the most significant protectors of these fundamental principles, i.e. 'independence, liberty, the Islamic Republic' is the press. The revered Imām says in this regard that, if a magazine "has a theme, which mobilizes [people] for safeguarding their

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[1] *Ibid*, vol. 6, p. 193.
[2] *Ibid*, vol. 6, p. 192.
[3] *Ibid*, vol. 8, p. 24.

is observed, merely claiming, through making use of natural human sentiments, that these principles are essential - and does not fulfill real needs of human beings in creating a world in which all individuals regard themselves members of one family, because of the fact that such a claim should be dependent upon a more sublime basis, which in Islam is God.[1]

As is clearly shown here there is no doubt about the principality of human rights and the existence of inherent and natural rights for human beings. Moreover, it is thought that these rights are so elevated and fundamental that human's efforts for clarifying it and proving them are insufficient, and that only divine and metaphysical words can do justice to the subject.

Freedom of human beings, respect for man's rights and status, not taking into account such adventitious factors as race, language, color, nationality, and so on, in evaluating man's credit and esteem, all are exactly the things taken in to account in Islam: principally the philosophy of the prophetic mission and particularly that of the holy prophet of Islam, was to set man free from such bonds and to remind him of his own intrinsic dignity and human honor and respect.[2]

It is quite clear, therefore, that Islam acknowledges the principles and examples of human rights, and no fundamental contradiction can be found in the concepts and declarations of human rights. Some of the discussions included in the Universal Declaration in which religious concepts and thoughts are disregarded, are not accepted. Recovery of man's innate dignity and his achievement of essential rights and freedoms is the aim of Islam. Various verses in the Qur'an demonstrate this truth: "*Verily We have honored the children of Adam;*" "*O mankind! Lo! We have created you male and female, and have made you nations and tribes, that ye may know one another.*"

Accordingly, no basic difference exists between the rights recognized in the Universal Declaration and Islamic thought.

It can undoubtedly be claimed that almost all the things dealt with in the Universal Declaration as man's constitutional rights, are also observed in Islamic thought, and in many cases they are enforced in the best possible way. Two points should be considered here, however:

1. Islam has much regard for the correct moral guidance and growth of man. As a result, for the purpose of promotion of moralities and for the

[1] Muḥammad Taqī Ja'farī, "*Universal Human Rights from Islamic and Western Perspectives*".
[2] Ḥusayn Mihrpūr, "*Human Rights in the International Documents*", Tehran, *Iṭṭilā'āt*, 1374, p. 39.

independence, their liberty; if such is the magazine, it is an Islamic one and the magazine of the Islamic Republic."[1]

Therefore, besides the main role of the press in human cultivation, their other function materializes in the mobilization of the individuals for safeguarding independence, liberty, and the Islamic republic. As expected, if the press correctly fulfill their first role and keep to it, they will succeed in their second role, i.e. mobilization of the individuals. Of course mobilization for safeguarding the independence and liberty materializes in different aspects. Maybe we could say that one of the main functions of the press is the role that media play in the political development and the expansion of the democratic environment in the society.

From a theoretical standpoint, the press work as torches. In fact, the press, as torches, reveals the political scene for the people and leaves no dark corners. When these torches are turned on, the officials and authorities feel that in this light atmosphere they are obviously seen by the public. Therefore, from this point of view, the press create an environment in which the performance of all officials, establishments, and organizations (public and private section) will be subject to the observation and judgment of people, and the authorities find themselves in front of the people and accountable. Thus they will have to correct their erroneous or unreasonable performance.

Apart from this, the press [illegible] institutionalize 'democracy'. When there is a balance of power, and the political forces cannot compromise with one another, the press will try to make the environment less violent. The main task of the press is to do away with the lack of information symmetry. That is, by redistributing information and conceptions, they cause a plurality and balance of power [illegible] the mental milieu. As soon as plurality arises in the mental milieu of and the balance of power is established, this plurality demonstrates itself in the physique of the society. So, the press can establish a balance of power against giant media such as radio and television. This is the creation of a kind of democratic environment and, with that view; it facilitates liberty, democracy and egalitarianism.[2]

Another function for the press, which can also be brought into light is that the press and mass media are basically modern phenomena, and aside from the message they communicate to their addressee, by illuminating the setting, they instigate the free flow of the information; and hence

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[1] *Ibid.*

[2] The 6th Book of the Press Festival, the Promulgation Office of the Ministry of Culture and Islamic Guidance, 1st impression, Tehran, 1378 AHS, p. 53. *Intikhāb* newspaper, (Thursday, Ordībehesht 16, 1378 AHS, p. 16).

automatically help creation and establishment of the new middle class. The emergence of this class, which is usually found in the third world and developing countries, is the main cradle for democracy.

Therefore, the press, other than the message they convey, effectuate and help the democratization of the political milieu.[1]

Anyhow, one should notice that the press have had a momentous role in the expansion of democracy, and accordingly, they have been aptly dubbed 'the fourth wing of governance.'

The press including the newspapers make a powerful political weapon, which can play a major role in achieving political development. Even we could say,

> "Like the numerousness of the parties, the abundance of the news media, is one of the origins of plurality in a regime. That is, if the numerousness of the parties is not accompanied by an abundance of the news media, it is something imaginary and nominal."[2]

One could say that one of the basic advantages of the free and non-governmental press is that they guarantee the diversity of thoughts and ideas in a political system. On this basis we can say which state is democratic and in which state authoritarianism and despotism rule. Criticizing authorities in political system and defending the basic rights of people against the political rule are among other functions of media, especially the press. Of course here we take it for granted that in Iran the political rule is religious, so naturally people's rights are well respected and their legitimate and lawful wishes are consented. In a Shiite religious regime people regard the political system as their own and consequently they display more sensitivity to its performance. Therefore, any instance of malfunctioning or deviation in the political system or in the authorities of the system will entail people's reaction, instigates their sense of duty and drive them toward criticism and protest. Without a doubt, in a regime based on religious teachings, the faithful, religious and pious people cannot allow injustice, despotism and spread of corruption, vice, etc. The political rule of religion means the establishment of justice and revival of the basic rights of the people and renunciation of all forms of corruption in the society. Therefore people would react to any kind of oppression and transgression in the Islamic rule performed by any individual and group, and do not consent to silence.

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[1] *Ibid.*

[2] Morris de Verge, Ibid, pp. 183-191.

The press are suitable instruments and means for conveying the calls and appeals of people to the authorities. One of the scholars has interpreted verse 148, *Sūrah* an-Nisā'[1] of the Holy Qur'an as follows: "*Whenever oppression is observed, it should be reflected in the press. Besides, the media are an instrument for appraisal of the government's performance and a center for exhibition of the people's ideas, and we also know that such counseling function is a worthy one from the Qur'an's point of view.*"[2]

The other important function of the press in Imām Khomeinī's thoughts is the creation of hope and confidence in people. The press in this role, herald hope, and reinforce self-confidence and assurance in people, and they should avoid whatever is the cause of disappointment and frustration in people. The revered Imām states in this regard,

> "Our authors and lecturers should be all trying to give hope to the people, not to disappoint them; they should say that we are capable, not that we are unable. They should say we are able by ourselves, as we really are; that we can, and we should get determined. The best service our authors can provide today is to grant hope to these people, who are standing up against the East and the West and don't want to be dominated by them; that they can remain independent from the East or the West right to the end. If writers, lecturers, instead of finding fault with one another, all together bring hope to the nation, make assurance in the nation, create psychological independence in the nation, we will be triumphant right to the very end; only if the mass media, the press, the writers, the lecturers create this assurance in the nation."[3]

4. The limitations of freedom of the press

By freedom of the press we do not mean the boundaries imposed by the despotic and dictatorial regimes on the press, neither do we mean the precincts, which may be imposed on the society and the press framework by the ignorant or the uninformed (who do not recognize freedom), but what we mean is the lawful and legal limitations which are referred to by the Imām and is also authenticated in the Constitution and the common laws. It is clear

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[1] It is worthwhile saying that in numerous verses quiet speaking has been recommended and raising one's voice has been despised. The only exception is when somebody is repressed and he has lost self-control and so has an excuse. See Bahā'uddīn Khorramshāhī's explanations about this verse in his Persian translation of the Qur'an.

[2] Mahdī Husayniyān Rād. "*The Limits of the Press Freedom, an Old Debate in Iran*" *Ṣubḥ-e Emrūz* newspaper, Ordībehesht 14, 1378 AHS, p. 6.

[3] *Sahīfeh-ye Imām*, vol. 13, pp. 286-287, 1359/10/29 AHS

that the reason for setting restrictions on the press is the exploitation of freedom that may take place and endanger public interests of the society and the Islamic foundations. These limitations can be explained not within the authoritarianism theory, but within the social responsibility theory since they are not incompatible with the freedom of the press.

The limitations on the freedom of the press referred to in Imām Khomeinī's words are as follows.

A. The law

This attitude of the Imām's is observable at all levels of freedom. In general, in his view freedom is allowed and authorized as long as it does not trespass legal limits. Since the law provides all people with security and systematizes the behavior of individuals in the society, it is the point of reliance and trust for the maintenance and development of liberties, especially for freedom of the press. In this way, the press will be kept from the possible aggressions and assaults and will also carry out their obligation and responsibility on the social level.

The Principle 24 of the Constitution stipulates: "periodicals and the press are free in expression, except when it infringes on the Islamic basics or the public rights. The details will be determined by the law." In this principle, on the one hand, the freedom of expression is taken for granted for the press; and on the other, it is restricted by two limits: the first is that there must be no infringements on the Islamic basics, and the other is that there must be no infringements on the public rights. As stated at the end of this principle, the cases in point of these two exceptions are discussed in detail in the 4th and 6th chapters of the Press Act, ratified in 1364 AHS by the Majlis (Islamic Consultative Assembly).[1] The revered Imām has assumed freedom to be

[1] The cases in point of the infringement on the Islamic basics in the press law are ■ follows: 1. Propagation of the atheistic and anti-Islamic topics and promulgation of the subjects which would harm the foundations of the Islamic Republic; 2. Offending the illuminating religion of Islam and its sanctities; 3. Offending the Supreme Leader or the indisputable Religious References of Authority; 4. Making the obscenities and vice public ■ publishing pictures or photos which offend the public chastity; 5. Promulgation of prodigality and extravagance. Besides, the instances of infringement on the public rights in this law are ■ follows: 1. Calumny toward the officials, establishments, organizations, or any of the individuals in the country; 2. Insulting the individual or legal persons who enjoy reverence in the religious law; 3. Encouraging or prompting the individuals or groups to perform an act against the national security, honor, or interests of the Islamic Republic, inside or outside the country; 4. Revealing and publishing classified documents, commands, or issues; 5. Publishing the discussions of the closed sessions of the Islamic Consultative Parliament (the Majlis); 6. Publishing the discussions of the closed sessions of the courts of justice or investigation without legal

within the limits of law stating, "In any country freedom is limited by law. People are not free to break the law."[1]

B. The sacred subjects

"The newspapers are allowed to write on subjects freely; let them write on issues; but are they free to insult for example people's sacred things?"[2] In another instance the Imām states, "The press had better refine themselves; not betray Islam and the Muslims; not waste the blood of the oppressed one's blood; not reflect the negative propaganda; they must prevent the conspiracies."[3]

C. Conspiracy, incitement, and undermining

"At the time of the victory of the Revolution, we noted that we recognize freedom of the press; nevertheless, any treason or conspiracy will be seriously and intolerably stopped. The press are obliged to avoid inciting or headlines or ones that are untrue. They should regulate themselves with the current of the Revolution; besides, they should avoid publishing articles that are damaging the Revolution and cause discord, for this is seen as a conspiracy itself."[4]

D. Calumny, lies, and rumor

"I advise the executives in the press and media and the men of speech to abandon spreading rumors and not to publish useless matters and false subjects just to increase their circulation, for if any conspiracy or corruption is felt, people will treat them in a different way. Do not exploit freedom and

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authorization; 7. Creating discord among different strata of the society, especially through ethnic or tribal issues; 8. Plagiarism, or quoting material from the press or parties or groups which are astray from or against Islam in a way that would propagate them. The offences of the press are listed in this law as follows: 1. Insulting, defaming or committing calumny toward the individuals; 2. Insulting the illuminating religion of Islam or its sanctities; 3. Insulting the Leader, Leadership Council, or the indisputable religious References of Authority; 4. Disclosing the secrets; 5. threat; 6. publishing photos or picture which offend the public chastity; 7. Inciting people to commit ▪ offense against the national security; 8. Publishing periodicals without obtaining the authorized license; 9. duplicating the sign or title of another periodical. Quoted from Muḥammad-Ibrāhīm Anṣāī Lārī, Ibid, pp. 171, 172, 177, 178.

[1] *Ṣaḥīfeh-ye Imām*, vol. 7, p. 18. 08/03/1358 AHS. Also vol. 6, p. 271.

[2] *Ibid*, vol. 7, p. 19.

[3] *Ibid*, vol. 5, p. 130

[4] *Ibid*, vol. 8, pp. 284-285, 06/06/1358 AHS.

do not abandon the course taken by the nation and avoid exaggerating insignificant events for there lies the interest of the country and the nation."[1] Also, "Are they (the newspapers) allowed to curse people? Are they allowed to slander people? Such freedom cannot be existed. There cannot be freedom of conspiracy. If a newspaper wants to conspire and follow the path trodden by the enemies of the nation and propagate whatever the enemies of the nation do—if that is what they do—the nation cannot accept such liberties."[2]

E. Abuse and misuse of freedom

"You, who have got a hold of ■ pen and write for all, criticize all organizations; you are free. But were you allowed to pick up a pen and write ■ single word about these organizations three years ago? They would break your pen and make you most miserable. You don't appreciate the value of freedom. Currently, for some persons, freedom has turned into a play thing, ■ they write whatever they wish and say whatever they feel like."[3]

To recapitulate the above-mentioned points we can say that in Imām Khomeinī's political ideology freedom is a principle. In the same way as right after the victory of the Islamic Revolution, an absolute freedom ruled the press and the society; however, after a while, because of the many misuses made of the press, some laws were ratified and put into effect to regulate the boundaries of the press. The words of the revered Imām Khomeinī can make this point clear. In this regard he says,

> "We granted them freedom, absolute freedom, and during these months around two hundred parties and factions [were established] and lots of periodicals, magazines and newspapers were published and nobody made an impediment. While you insulted all our sacred things, while you treated the government like that, and treated Islam like that in your press, no one harassed you, until we saw the sedition and understood that you are seditionists. Now after your conspiracy is proven and people have come to know you, we cannot allow you to do freely whatever you wish anymore; we will suppress you."[4]

The liberalism theory can be inferred from these words of the Imām's. In his opinion, right after the victory of the Islamic Revolution, there was an absolute freedom for all individuals and groups, but this liberty ended in

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[1] *Ibid*, vol. 8, p. 221, 08/05/1358 AHS.
[2] *Ibid*, vol. 7, p. 19.
[3] *Ibid*, vol. 13, p. 252, 15/10/1359 AHS.
[4] *Ibid*, vol. 8, p. 267, 02/06/1358 AHS.

abuse and worked toward the overthrowing of the newly-founded Islamic regime. Consequently, the freedom of the press was considerably curbed and the press were imposed by some restrictions.

In another instance, the revered Imām emphasizes that,

> "Since the advent of the Revolution there were all kinds of freedom in Iran and we gave all groups a chance and absolutely nothing was banned. Nonetheless, the conspiracies began to show. When they saw that they were free, the conspiracies started; conspiracies of the pen, which intended to change our nation's course. Our nation supports freedom; supports all sorts of freedom. But they are not supporters of conspiracy and corruption."[1]

Therefore, in the Imām's view, the freedom of the press is the principle and as long as they regard their obligation and public responsibility, there will be no restrictions on them.

In the days following the victory of the Revolution, too, this was to be a principal rule. But when the crises and problems instigated by the misuse of this 'blessed principle' began to proliferate, the short and transient period of liberalism came to an end and another ideological model imposed itself on the society. Of course there is no consensus about what this model was. Some believe that the authoritarianism theory took over[2] and some say that the social responsibility theory did.

It is obvious that the liberalism of the initial years of the Revolution terminated, but it should be noted that by the establishment of the law (the Constitution and the press law passed by the Revolutionary Council)[3] the social responsibility model found dominance. Elucidating the legitimacy models of the political regimes in the contemporary Iran, one of the

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[1] *Ibid*, vol. 10, p. 234, 05/09/1358 AHS.

[2] For an expansion on this view see. The 6th Book of the Press Festival, Ibid, p. 54; *Intikhāb* newspaper (Thursday, Ordībehesht 16, 1378 AHS) Proponents of this view regards the period before the revolution as the era of dominance of the authoritarianism model, and the first few years of the Revolution as the dominance of the liberalism model. They believe that after that stage, due to the social conditions in the country, the authoritarianism model dominates again. They also believe that we have had the social responsibility model in the recent years.

[3] The first press law of the Islamic Republic regime was ratified by the Islamic Revolution Council in Mordād 20, 1358 AHS, that is six months after the victory of the Islamic Revolution. At the time this law was passed Iran did not possess a new constitution yet. So this law did not rely on any principle in the constitution or its complements and it was merely a response to the chaos of the press at that time and a way to supervise the printing and publication of the numerous and various newspapers that were being published all over the country without any clear regulation and supervision. Quoted from Muhammad-Ibrāhīm Ansārī Lārī, Ibid, pp. 118-119

researchers of political issues speaks of different models such as freedom and democracy, religion, justice and the age of development[1] and believes that the liberalism model has never taken over the political order. For the same reason, as soon as the political order had been established and ascertained, the liberty, as the first discourse, had left the political order. In his opinion there are intermittent periods of political order, authoritarianism and chaos, and an established political order is always challenged to be replaced by another authoritarian political order. In this way, liberty and democracy are the discourses of this period of transition and are neglected soon after the transition and establishment of the new order. He explains the abandonment of the liberalism model after the victory of the Islamic Revolution and the establishment of the new order within this framework.

Therefore, in this view the other models for the legitimacy of the political systems are all order-making, but the liberalism and democracy model are cynical and criticize the existing political order, and this is what the opposition has been always after and talked about. Anyway, the opponents of a political system by exploiting the liberty and democracy framework challenge the existing order, but after the establishment of the new political order, the former is ignored; or in other words, it is among the first victims of the new order. But in fact the question is "can these ideas be attributed to the revered Imām and can we say that he has utilized the liberalism-democracy model against the second Pahlavī regime, and can we not find any signs of commitment to this model in his thoughts?" In other words, has Imām Khomeinī consciously exploited freedom to challenge the existing political order; and in reality, has there not been such an issue called freedom in his thoughts?

My answer is negative. It seems that the emergence of the issue of freedom and especially the freedom of the press in the Imām's political thoughts was not merely a way to fight the established political order. Rather, suggesting the issue of freedom in the political thoughts of the revered Imam was instigated by the theoretical bases of his political thinking. As stated before, analysis and elucidation of freedom of the press in Imām Khomeinī's thoughts is most of all possible by using the social responsibility model rather than any other. Having an eye on this theoretical model, we can review the Imam's opinions on this subject in different periods of time (before the Islamic Revolution, the first years after the victory of the Islamic Revolution, and after that up to his heavenly departure). Just as he has

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[1] "*Political Legitimacy in the Contemporary Iran*" *Ṣubḥ-e Imrūz* newspaper's interview with Muḥammad-Jawād Ghulām-Riḍā Kāshī, no. 247, p. 6 (Ābān 3, 1378 AHS).

defended the freedom of the press during the Pahlavī period, he has done the same during the Islamic Republic period; and as he has warned against the unlimited freedom of the press to insult the people's sacred subjects during the Pahlavī regime, he has also reminded this point during the Islamic Republic regime, saying that the press should observe the sacred limits surrounding the sanctities and avoid insulting them.

Therefore, one could understand from the Imām's words that the press became restricted when they started to move toward overthrowing the political regime of the Islamic Republic; and that the mere establishment of a new political order cannot be a good excuse to eliminate the model of liberty and democracy. In the atmosphere right after the victory of the Islamic Republic, the press had ■ significant growth; even some of the press worked as the official representatives for the armed groups, which were fighting the new political system. Naturally, the forces within this new political order, for protecting what they had struggled for, were drawn to solutions to make the political order more established, consolidated and lasting, and to mitigate the chaos in the society.

This was how the period of liberalism, which was being experienced, came to an end and the era of the social responsibility model began. Besides, the holding of nearly twenty nationwide elections, while having in mind the critical and demanding conditions in the country such as the imposed war, etc, is an obvious sign of the prominence of the liberalist features in the social responsibility model. Anyhow, freedom ■ among the fundamental issues in the Imām's political ideology, rather than being a mere instrument for him to fight the political order of the time. Moreover, we claim that the liberalism and democracy model of the legitimacy of the political regime has not expired after the Islamic Revolution; rather, the change is in the shift from the liberalism theoretical model to the social responsibility theory.

5. Summary and conclusion

What was stated in the above pages is a portion of the available discussions about freedom of the press. There is no more chance here to discuss the other aspects of and standpoints on this subject in depth. The findings and conclusions of this study are as follows:

Firstly, the freedom of the press is among the important and basic political freedoms. By assessing the degree of the freedom of the press we can come to compare different political systems, and by examining the degree of independence or dependence of the press in different states we can assess the quality of democracy there. In the states where the press enjoy due

respect and a suitable political atmosphere is dominant in the society, people express their political opinions and ideas freely and within the boundaries of the law. In the authoritarian societies free expression of the ideas through the press is not possible.

Secondly, the dominant model in the Imām's political ideology is the social responsibility theory. Using this model, we can scrutinize and analyze the Imām's thoughts and solve the possible contradictions that may be found in the content of his thoughts and get them clarified. Basically we cannot speak of authoritarianism when dealing with his thoughts. This theoretical model, regarding the vast restrictions it causes on the press and people, is incompatible with the Imām's thoughts. Also, the liberalism theory is worthy in the Imām's view so long as it is not abused. But as the society and the political groups have not yet attained the needed level of intellectual growth, or their interests does not lie in the correct use of freedom without there being any supervising establishments, there will be no choice but a shift toward the social responsibility theoretical model.

This model has evolved from the liberalism theory. According to this model, there can be a third interpretation of the ideas of the revered Imām which presents a median and appropriate view which does not contain any extremism.

Thirdly, in Imām Khomeinī's thought, the press have a twofold function: they can both play a positive role in growth and sublimation of the society and the political development, and walk the way of misleading and aberration and the cultural and scientific retardation of the society. The positive function of the press in the Imām's view is their role as the guides and trainers of the society. In other words, the press, like a caring teacher and trainer, should cultivate individuals' talents. The other function of the press in the Islamic Republic regime is to safeguard and protect independence and freedom of the country and encourage and motivate the people to perform such a duty. Besides, in the absence of the parties and civil institutions, the press play the role of intermediaries between people and the government and criticizing the performance the authorities and making the deeds of the rulers public. Illumination of the surroundings and stating the facts and truths will also help free circulation of the information. Therefore, in fulfillment of this duty the obligation of the press and mass media is to criticize the behavior of the administrators of the political system and defend the basic rights of people against the political rule and power. The other function of the press in the Imām's thought is to shed light of hope on hearts of people, boost their faith, self-confidence, and reinforce the idea of independence from outsiders.

growth and perfection of man, it confronts and fights those who are tyrants, commit corrupt acts; imprison the downtrodden servants of God, and those who make effort to hamper the propagation of monotheistic thought. Islam does not approve of disregard both for religion and correct monotheistic belief. It believes that propagation of secularism and religious and moral carelessness are in utter contradiction with inherent human dignity and, hence, does not encourage it, and moreover for the protection of man's essential rights tries to prevent through reasonable means .

2. As for the women's rights and the equality of men and women, it should be reminded that Islam deems men and women equal in their innate value and does not believe in any difference between them in this regard. It believes, however, that they are two different classes of the same type, which according to their different physical and spiritual characteristics, are assigned to them different duties and responsibilities according to which certain rights are also considered for them.[1]

It can clearly and categorically be admitted that throughout history human conscience and in the second place, the religious factor, have had significant effects on the process development of the rights of man and his basic freedoms. The best comprehensive bill of human rights can undoubtedly be extracted and presented to the world from the sublime teachings of the Qur'an and the noble prophet's tradition. This guiding bestowed on Muslims the legal foundations of the ways contact between human beings and human contact method throughout history. Islam and the Muslims of the world respect practically the principles and foundations of human rights and show this respect in practice.

"Others only pay lip service, while Islam acts. They talk of human rights but act against it. Islam respects human rights and acts according to them. It deprives no one of his rights. It deprives no one of his freedom".[2]

"Unfortunately the world talks of human rights, but we see no action".[3]

Only Islam can lay the foundation and act according to the human rights. Imām Khomeinī says on this: "human rights can be founded only by Islam whose leaders are such persons as 'Alī ibn Abī Ṭālib. They are not like those who exploit human beings and call it human rights."[4] Religiosity and theism necessitate observance of human rights and principally in Imām Khomeinī's

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[1] Ḥusayn Mihrpūr, *"Human Rights in the International Documents"*, Tehran, *Ittilā'āt*, pp. 38-39.

[2] *Ṣaḥīfeh-ye Imām*, vol. 14, p. 69.

[3] *Ṣaḥīfeh-ye Imām*, vol. 18, p. 348.

[4] Imām Khomeinī's speech to the members of Eastern Azerbaijan teacher's Islamic society.

Therefore, to answer the opening question of this paper, we can say that the press have a prominent role in the cultural and political development of the society and help emergence of the institutions of the civil society. Furthermore, they pave the way for the criticism of the rulers in the society and by the faithful publication of the facts and truths, uncover the collective performance of the government for public judgment.

Fourthly, Since the elucidation of the Imām's words is possible in the social responsibility model, naturally the press, while enjoying freedom, will undergo some restrictions as well. The first thing, in the Imām's thoughts, that restricts the press is the law. Therefore, he believes in the principle of freedom, but within its legal boundaries. The law guaranties the survival and safety of freedom of the press and provides the society with order. The other restrictions of the press in the Imām's thoughts are: insulting the sanctities, conspiracy, incitement and undermining, slander, untruth and rumor, grudge, and misuse of freedom and promulgation of corruption and obscenity in the society.

Anyway, to answer the questions raised in the beginning of this study, we can say that today one of the means of development and sublimation of the societies is the prosperity of the press and media. The independent and free press, as the fourth wing of governance in the regimes, which claim to be democratic, play the major role in directing the society toward the desired and rational goals. Also, according to the social responsibility theory, the press are not entitled to absolute freedom and they are restricted by the law.

Of course, these restrictions go as far as they do not do serious harm to the independence of the press and freedom of expression, and does not make the press, which should speak for the people, dependent on the government and rulers. It would be in such an environment that the press would fulfill their obligation and responsibility toward the society.

10

Freedom of the Press

Jawād Vandnowrūz

Introduction

The Islamic revolution of Iran created an opportunity, for the first time, for a prominent jurist, who himself had managed to set up a political system, to present his ideas to the Islamic political society about different problems of public freedoms through making use of Shī'ah's jurisprudence sources. Here in this paper we base our discussion on these very ideas through which we shall deal with the question of whether or not his views prove sufficient for establishing a comprehensive system of public freedoms, which emphasizes the freedom of the press. In other words, can we devise a system of freedom of the press by making use of the views of his highness, which can form the bases of the Islamic government's actions? Imam's views, messages, letters and religious decrees, now presented to the enthusiasts in the form of the valued book "*Ṣaḥīfeh-ye- Imām*" which is used in this paper as the most important source, have obviously been clear guides for the compilers of the Islamic Republic of Iran's Constitution. Familiarization with these views will lead to a better understanding of the essential principles of the freedom of the press in the Constitution and the country's laws.

Meanwhile, study of the works of his eminence can guide the law-makers and the public. Familiarization of the country's legislators, during

making and enacting laws related to the press and its freedoms, with the Imam's views provides necessary grounds for the enacted laws to be more consistent with religious laws and the conditions of our country within the period after the victory of the Islamic Revolution. Inattention to and disregard for these guidelines and specifications may result in enacting laws, which will not guarantee the religious laws and the expediency of the Islamic Republic system. As the fourth wing of democracy, the press will have a better understanding of personal and social rights in this political system through being more acquainted with Imam's views.

Imām Khomeinī's enlightening thoughts, which have marked the beginning of a new phase in attending cultural, social and political phenomena for the thinkers through his own clairvoyance and deep thoughts, have also proved in all fields. One of the important problems the Imām attended assiduously was the problem of the press and the important role it has in developing and improving the society. The great effect it can have on people's thought and attitude, and in particular, on the youth, made Imām of the Ummah study different dimensions of this problem and express on each aspect his valuable instructions in depicting the values and slips of the press.

All these guidelines, which are in fact a collection of lessons, advice and warnings and contain the ideas of his eminence on the importance and role of the press in and its responsibility before society and before determining the scope of the freedom of the press are indeed comprehensive instructions for the entire press of the country and can be of great use in the era of the printed media.

Importance and role of the press

a. the definition of the press and its status

In Persian, the press used to mean the printed works, including books, newspapers, journals, declarations, advertisement papers or whatever was written and printed. On the press, Dr. Muḥammad Mu'īn writes:

> "Maṭbū'āt [the press] is the plural form of Maṭbū' and includes printed writings, dailies, and journals and of the press... and Maṭbū'āt includes the published material."[1].

[1] Mu'īn, Muḥammad, *Farhang-e Fārsī*, vol. 5. Letter M, the term Press.

Muḥammad Muḥīt Ṭabāṭabā'ī thus defines the press,

> "the press includes newspapers, journals, leaflets, and newsletters, monthly and weekly and like the constitutional government, the new culture, post, telegraphs, railways, airplanes, automobiles, print-houses, radio and television and all the signs of our era have unexceptionally their root in the European culture and civilization and have set off for Iran since about a hundred and seventy years ago"[1].

The press is perhaps the most powerful means of conveying the values, ideas, views and news. They are both inexpensive and accessible. The most important role of newspapers and the press is putting out the daily news. In addition to putting out the news, the press has other roles as well, which is perhaps of more importance than the news itself; for instance, those journals whose aim is to entertain or those, which are technical and have special information for certain groups can be mentioned.

Among other features of the press is the effect it may have on the public opinion. Due to being various, the press can address certain groups and communicate with them through their own language and publish their favorite and desired matters. The most inexpensive means of mass communication, the press, is perhaps in the long run the most efficient means of influence on public poll; hence, it can play a significant role in broadcasting, maintaining, putting out, propagating, negating and denying the cultural values. In other more profound words, it can be said that the press is one of the various means of communication which covers a vast portion of audiences without any personal contact between the receiver and sender of the messages.

The press is the introducer of the role patterns, standpoints, and the method of predisposing toward cultural values, which people may come to through no other means. Children can learn a lot through written media and the press about lawyers, the courts' judgments, the actors, police detectives and celebrities. The youth can also, through the information of the mass media, find out a lot about their future roles as the consumers of the market and about sublime values the society attach to the youth, success, beauty and materialism. Variation in social values and norms is reflected rapidly in the mass media and may very easily be accepted on the part of the people who otherwise would not have the opportunity to easily have access to them. Almost all the aspects of the human behavior are potentially under the

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[1] Muḥīṭ Ṭabāṭabā'ī, Muḥammad . analytical history of Iran's press.

influence of the mass media. These may include ■ variety of issues including politics, hygiene, anti-social and pro-social behaviors, attitudes toward certain groups in the society, vocational knowledge, education and consumers' behavior[1]. In any country, the press plays undeniable roles in creating a sound or ■ corrupt atmosphere[2]; it has effective roles in constructing the society[3]. If the press is amended and reformed, the society will be reformed[4]. The press is the language of any country and the fame of the country rests upon it[5]. The whole media is the instructor of the country and should train it. "The role the press plays is much more important than any other role played in a country. Newspapers and journals can help develop a country and direct it toward a course, which is better for the country. They can also act the other way round."[6]

Having emerged in the society, any organization should have its functions at the service of people and the society. It should be programmed in a way to be able to, like a single body synchronized, give services to society, and this should be its ultimate aim. The press and the communicative organizations are not exceptions to this and almost all the researchers and those in charge of the needs and issues of the society, and the experts of the mass media in particular have pondered on it and are aware of the importance of the press.

The value of publication is the same ■ the value of the blood, which was shed in the battlefields. "The scholars' pens are superior to the martyrs' bloods." "However valuable and constructive the martyrs' bloods can be, the pens can be more constructive and principally the martyrs are reared by pens, it is the pens that breed the martyrs."[7]

In investigating the educational role of the press, the importance of writing and the effect it has on the orientation of the individual's life and on the reformist movement of the society should also be referred to. If we believe that writing is not sacred or if believe that there is no limitation to the press and the writing, and that through it we can write whatever matters including the good and the evil, we should also believe in the legal system that governs the press and the fact that it should be harmonious with this

[1] Donald Roberts and Christian Behen (1981), p. 309.
[2] *Ṣaḥīfeh-ye Imām*, vol. 12, p. 23.
[3] *Ibid.*, vol. 13, p. 41.
[4] *Ibid.*, vol. 13, p. 41.
[5] *Ibid.*, vol.10, p. 245.
[6] *Ibid.*, vol. 6, p. 193
[7] *Ibid.*, vol. 14, p. 248.

perspective. If, on the other hand, we assume that man within spiritual domains has no limitations, we come to the conclusion that mans' writing is sacred and the press dedicated to the human society should also be didactic. The press should be a mobile school in order to inform people of all issues particularly current ones. Altogether, the press should be a didactic agency and in this case it can on the one hand play its effectual role in constructing the society[1] and on the other hand be effective in personal growth of the human beings[2]. It should be like teachers who train and educate the country and the youth and reflect the nation's ideals: "In a country where there was much bloodshed, many people of our nation (for reforming the society) were martyred as a result of which an Islamic Republic, through majority votes, was established, and the traitors were cut off from the country and the plunder's hands were cut off from the country, if the press tries to write in support of the traitors and the plunders, then it is not our press. This is treachery. In order to achieve what was said, the press should be in the hands of the respected and the well-regarded. If the knaves hold control of writing and the press, there will be much corruption."[3]

This view is exactly in opposition to the aim of capitalistic broadcasting system since the capitalists have insignificant and despicable aims not looking for man's perfection and his edification. The capitalist rather is willing to make people stay calm only as consumers[4]. The reason why educational role of the press is much emphasized in a political society is because of the fact that essentially all the problems of Islam, including the political ones, are issues related to the spiritual edification, and are sent to perfect man[5].

B. Responsibility of the press

The scholars of communication and media regard safeguarding the atmosphere and establishing harmony and concord among different elements of the society in response to the situation in which cultural legacy is transferred from one generation to the next one as the main responsibilities of the mass media.

The Imām enumerates other responsibilities for the press in addition to the ones cited above:

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[1] *Ibid.*, vol. 14, p. 248.
[2] *Ibid.*, vol. 16, p. 81.
[3] *Ibid.*, vol. 18, p. 65.
[4] *Ibid.*, vol. 22, p. 283.
[5] *Ibid.*, vol. 9, p. 235.

1. Safeguarding the atmosphere
2. Creating solidarity among different elements of the society in response to the situational requirements
3. Transition of social legacy from one generation to the next one.

Imām Khomeinī has also enumerated a series of responsibilities for the press including:

1. Keeping away from any kind of personal benefit and superficiality
2. sincerity in writing[1]
3. Magnanimity[2]
4. Educating people[3]
5. Giving service to Islam[4]
6. Giving service to people[5]
7. Being of service to the Revolution[6]
8. Bringing people hope[7]
9. Examining the articles carefully before publishing them[8]
10. Employing committed writers[9]
11. Avoiding intensifying the differences[10]
12. Reinforcing the armed forces[11]
13. Independence of thought[12]
14. Criticism rather than taking revenge[13]
15. Increasing the intellectual and political growth of the youth[14]
16. Providing didactic material[15]
17. Avoiding hollow propaganda[16]
18. Keeping away from giving priority to certain personalities[17]

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[1] Maurice, De Vourje, Political Sociology, trans. Dr. Qāḍī, Abulfaḍl, p. 314.
[2] *Ibid.*, vol. 16, p. 9.
[3] *Ibid.*, vol. 1, p. 4.
[4] *Ibid.*, vol. 13, p. 253.
[5] *Ibid.*, vol. 20, p. 240.
[6] *Ibid.*, vol. 6, p. 193.
[7] *Ibid.*, vol. 1, p. 120.
[8] *Ibid.*, vol. 6, p. 191.
[9] *Ibid.*, vol. 5, pp. 121, 122.
[10] *Ibid.*, vol. 14, p. 88.
[11] *Ibid.*, vol. 14, p. 51.
[12] *Ibid.*, vol. 13, p. 250.
[13] *Ibid.*, vol. 14, p. 38
[14] *Ibid.*, vol. 13, p. 94.
[15] *Ibid.*, vol. 12, p. 23.
[16] *Ibid.*, vol. 14, p. 48.
[17] *Ibid.*, vol. 8, p. 24.

19. Reflecting the situation of the poor strata of society[1]
20. Admitting their own mistakes[2]

Freedom and Imām Khomeinī's views

The concept of freedom is so wide in scope that it has led to a great variety of meanings. Writers throughout the history of ideas have recorded about two hundred different definitions for it. Scholars of the law and politics have defined it differently, each claiming their own definition to be perfect.

Montesquieu, political thinker of the first half of the eighteenth century (1689-1755), has come up with a more moderate definition of freedom. Believing that political freedom does not mean doing whatever one wishes to do, he says in defining freedom, "the meaning of freedom is that man is entitled to do whatever the law has permitted and whatever it allows one to do, and that he has the right not to be forced to do the things that the law has forbidden and are harmful to him. If he commits the things that the law has forbidden, there exists no freedom any longer". In its western meaning, freedom means the power to do anything provided that it does not do harm to the rights of others. In other words, it says you can do whatever you wish to do; just try only not to do harm to the rights of others.

The concept of freedom as defined by the social philosophies of the West has major differences with that defined by Islam. From Imām Khomeinī's point of view, such a freedom as defined by the West is condemned in Islam and we should try to prevent it from happening in society. On this he says, "We are not in favor of the freedoms which have come from the West and defended by the westernized, that is, the imported freedom."

The system of social and personal freedoms should be arranged in a way to be able to guarantee the perfection of the spiritual aspect of the human beings. The Imām says on this, "The freedoms which are now given to you are of the kind which is to your benefit; all the things that are helpful to the growth of man; all these things are free".

We come across no clearly-cut definition of freedom in the works of Imām Khomeinī; however, what he has expressed on the freedom and its characteristics is sufficient here for our studies on the freedom of the press and will be used in this paper.

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[1] *Ibid.*, vol. 12, p. 209.
[2] *Ibid.*, vol. 8, p. 220.

The significance of Freedom from Imām Khomeinī's point of view

Deeming freedom one of the foundations of Islam and on Islam's views about personal freedoms, the Imām says:

> "Islam believes that man is free and dominant over himself, his own life, wealth and his household. Man is free to choose his residence, and is free in what he eats and drinks. He is free in doing what is not against the divine laws. It is the law of Islam which says if a person attacked your house; the attacked is entitled to kill the attacker. Islam accepts freedom to such levels. Islam is the origin of all liberties, of all magnanimities and all independences".

Human rights and social and personal freedoms are parts of Islam and elements of its social system. Believing in the first principle of Islam, monotheism is, in addition, the foundation of the principle of justice and inherent rights of people. It is only through accepting the principle of monotheism that one can accept the intrinsic rights and genuine justice of people as two truths independent of the assumptions.

In most of the Islamic teachings, the notion of freedom-seeking and consideration of the human rights are obviously observed.

Freedom of the press and Imām Khomeinī's point of view

In talks over freedom of the press, the extent to which the political power can interfere with the press is also among essential and fundamental issues. At the outset, we should point out that the independence of the press is not sufficiently comprehensive since any kind of social activity, of which the press activity is an example, is dependent upon the body of society and this in itself is an obstacle to an all-out independence.

Different foundations in a society can exert influence on the press. In the developed countries where there are thoroughly organized economic powers, it is possible to imagine that the press is influenced by them.

Freedom finds particular meaning within discussions of the press. In the developed countries, it is the economic powers having predetermined political aims and predispositions that try to use, to their own benefit, the socio-political function of the press. Genuine freedom of the press in these countries, hence, can be imagined when the press is secure from the force and obligations of the syndicates, companies and trusts. The freedom of the press defined by Imām Khomeinī differs from this kind of freedom due to the lack of powerful and coherent economic powers. From the late Imām Khomeinī's point of view, the concept of the freedom of the press means,

As soon as it is felt necessary, we will announce our programs, but the most important responsibility of my future government is to provide very soon the conditions for calling free elections, which may include freedom of the press which is of special importance in telling the whole reality and informing people of the issues related to the freedom of the press in society.

All we say is that you should act according to the Constitution, the press is free, the pen is free; let them write the problems; if you are faithful to the religion, then act according to it. If you think religion is reactionary, follow the Constitution at least; let them write.

Are we, who let the press write, reactionary? Are those gentlemen who bind the press to write certain things, progressive? Our voices can reach them through loud-speakers; but they speak for America from here. They speak for whoever gives them dollars. "In the Islamic Republic, the press is free in publishing all the truths and realities".

The press, due to having a sensitive and special role, should observe the sensitive boundaries of the society and try not to misuse freedom and sabotage the country. The press, in some instances, mistook treachery for freedom, which the Imām realized and against which he warned:

"Know your enemy; I am trying to make it known to you. I know what I'm talking about today, will be broadcast tonight in different places. If a radio or a newspaper distorts what I say, I will ruin it down, since it is against the course the nation has taken. This is not freedom; this is treachery which we will shatter.

I strongly warn the press and mass media that freedom is different from treason and these kinds of treason which are against the sublime expediency of Islam and of the country should seriously be avoided."

From the Imam's point of view, the press of a country should, in practice, take people's course of action and serve them, otherwise, the press cannot be admitted by people and it should not be considered national and popular, even if the government lets it continue its activities. If the press is national and if it takes people's course of action, it will reflect people's expectations from the political power and in this case the press will be supported by the people. This in itself strengthens the press and prevents authorities from interfering with their works. The press should be people's spokesman about the wrong-doings of the power; it should warn the rulers that, say, they have violated the principles of the Constitution and the causes of the Islamic Revolution; they should not be ■ means in the hands of the political power because if they will no longer be the national press and will

words: "A government can claim it is protecting human rights that are based on divine and religious beliefs and deem itself responsible before a great power"[1]. It is by virtue of this problem that the constitution of the Islamic Republic of Iran, which is in fact systematized ideas of Imām and the nation and, like national alliance, has come to be the basis of political order and system, has recognized and admitted the political rights of citizens within several principles.

Through founding an Islamic government in Iran and by deep thought and his foresight, Imām Khomeinī, as a religious jurist proficient in Islam, opened a new chapter of viewing cultural, political and social phenomena for politicians and thinkers. Among different thinkers and reformers of the world in recent centuries, Imām Khomeinī has enjoyed this unique characteristic of being able to present a clearly and reasonably comprehensive plan of Islam's governmental theory; in addition to being successful in putting it into action. He guided toward an all-embracing revolution a community with deep roots of culture and civilization in a great country with politically and socially prominent position in the world. With comprehensive support and unprecedented aid of the people, Imām managed to enforce the governmental system in his mind and found a powerful and stable government on its foundation.[2] In the Imām's words: "The Islamic government should be based on human rights and taking them into account. There exists freedom and democracy in Islamic government par excellence. In different affairs, the first man of the Islamic government is equal to the last one."[3] Accordingly, it is clear that since Iranian people hold the dominant discourse of Islam, the discourse of defense of the human rights, the right to citizenship, freedom and independence, expecting such functions from the Islamic government, they disapproved of the despotic and imperial system and accepted the Islamic Republic. Observance of human rights based on religious teachings can, therefore, be indicative of being Islamic and the reason of sanctity for the system.

The main difference between the Islamic government and a despotic one is that in the former the will of the people and the will of God are respectively the sources of power and legitimacy. Hence, the Islamic government, enjoys both rational factors of government, that is, people's power and divine legitimacy, while a dictatorial government is neither

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[1] *Ṣaḥīfeh-ye Imām*, vol. 4, p. 402

[2] Muḥsin Arākī, *"People's Place in Islam's Governmental System from Imām's View Written in Imām Khomeinī and Islamic Government"*, p. 311.

[3] *Ṣaḥīfeh-ye Imām*, vol. 5, p. 70.

not be worth reading in public opinion since they cannot be regarded as a part of the country's democracy. This activity of the media should be distinguished; however, from that activity of the press which tries unjustly to weaken the political power. It is clear that these two are distinguishable and the claim that they might be the same can be rejected through reasoning.

If the press "uses headlines which either weaken people's spirit or publish articles which might do harm to the Revolution for the victory of which people have presented their blood, or might be harmful to the expediency of the nation, and the country or is against Islam or public virtue, it will not be allowed to enjoy the right of the freedom of the press".

We all should know that the western freedom which causes moral ruin of the youth, the boys and the girls, is condemned by Islam and by reason and any propaganda, papers, speeches, books and journals against Islam, public virtue and conveniences of the country are prohibited.

Another limitation of the press is related to publishing reports which contain the activities of the judiciary authorities. Journals, dailies and mass media should notice that causing the judiciary system to weaken is against the Islamic laws, and the press should avoid publishing materials which prove factors of the weakening and offending the judiciary authorities. This is an Islamic country and everything should be based on the religious laws. Appeal against the court and the judge should also be according to the Islamic regulations. Whoever is the user; he is not entitled to bring the case to the press, the mass media or to public societies and arouse the feelings against the judicial wing. Regarding the responsibility of the judicial wing, His Highness, Imām Khomeinī, pointed out in a speech on 1358/6/6:

> "Prosecutors of the courts once more are to shoulder the responsibility of dealing with the press and activities of the writers. They should authorize those press which are not deemed betrayers and against the expediency of the nation and country and ban those which are proved to be against the expediency of the nation and country"

The limitations referred to above indicate some part of the relationship between the political power and the press. If the press does not observe such limitations, the competent authorities are to deal with their violations; however, if the press does their activities observing these limitations, there will be no interference or application of force on the press by the authorities. One should also bear this important problem in mind that the issues against the expediency of the country or those against Islam are usually general categories the authorities should attend very carefully and if a daily or a

journal is accused of one of these charges, they should provide adequate and plausible reasons acceptable by the public opinion and the press society. Hasty decisions void of any legal justification and based on group biases against the press is harmful to the political support of any country.

The limitations cited above are quite reasonable for a country with such religious characteristics; however, undoubtedly such kinds of freedom seem, on the part of the international societies of human rights which have different attitudes toward religion, to be curtailment of the freedom of the press.

11

The Concept of Justice in Imām Khomeinī's Political Thoughts

Muḥammad-Ḥusayn Jamshīdī

Justice means, neither oppress others, nor let them do it to you. The Shī'ism and our Imām's agenda is summarized in these two remarks: neither tolerate nor commit injustice.[1]

Abstract

The question of justice and its fulfillment in the human society is among the basic necessities of social life. Besides, justice and equity, the wish for justice and seeking equity, is an aspect of the human innate characteristics without which the humanity of man is void of meaning; and a man with an ethical mind which is cleansed from vices of the self inclines toward justice and fairness. Not only are justice and fairness factors of growth, development, welfare and security in the society, but are also causes of unity

[1]*Kawthar, A Collection of the Revered Imām Khomeinī's (r) with the Events of the Islamic Republic*, Tehran, the Institute for Compilation and Publication of Imām Khomeinī's (ṣ) Works, Second Edition, 1374, vol. 3, p. 184.

and concord of the society. Justice and righteousness create 'integrity' and 'moderation' inside human beings and generate 'integrity', 'temperance', 'merit', 'virtue', and 'independence' in the human societies.

In studying Imām Khomeinī's view on the concept of justice and equity, in addition to a terminological elucidation on the notion and its historical route in the Islamic thought, some of the topics dealt with in this essay, which have been of importance to the Imām, are as follows:

Justice and equity ■ criteria and scales, the measure for differentiating between truth and falsehood and between Islam and non-Islam; the co-existence of justice and truth; the comprehensiveness and the scope of justice; innateness and fitting in 'the army of wisdom'; being the goal of the human beings and the society; being a human responsibility and obligation; being a practice of the prophets and men of God, and ■ factor for growth and flourishing of the potentials, for the development and welfare of the human societies.

Having in mind the above-mentioned criteria and measures, we can reach certain general strategies in Imām Khomeinī's view, which are as follows:

- Justice is an innate and intrinsic trait and one of the 'the army of wisdom' and this innate trait can materialize in three different forms
- Justice is a virtue of the self and a transcendental and intrinsic state
- Justice demonstrates moderation, integrity, and avoidance of extremism; therefore justice renounces oppression and submission to oppression
- Justice is a feature of the society, its aspects and regulations

From the revered Imām's point of view, not only is justice a characteristic of the human self that urges man to respect piety and purity, all the religious obligations and avoid the unlawful, but also contains extensive social and political and economic aspects. Therefore it is a virtue belonging to the institutions, groups and aspects of the society and people as well. It organizes the society, rectifies the world and provides the individual and the society with the worldly and afterworld welfare. In the revered Imām's words the 'human being' is created by the establishment of justice and equity in the society; a human being that walks toward purity and in the right path.

Justice and equity in Imām Khomeinī's thoughts and traits occupy such a high standing that we can regard his loftiest ideal and aspiration as the fulfillment of justice and equity and struggling against injustice and

oppression. Reviewing Imām Khomeinī's thoughts and ideas shows that justice is the basis and foundation of Islam as well as its goal. The government is established to fulfill justice and equity, law-making and implementation of the law is based on justice, and the society's policy and its leadership are in accordance with the criteria of justice and equity.

On this basis the fulfillment and establishment of justice is an unavoidable task, which should be high on the agenda for all individuals, groups, and political and social institutions.

Introduction

'Justice' or 'equity' is the most ancient and deep-rooted ideals of mankind. This ideal is one of the most superior values ruling the thought and life of mankind. The intelligent and thinking man has always been talking of justice and has been striving to establish it in his society. The propensity for justice, tendency for equity, and seeking them, is something rooted in the innate essence and nature of man; in other words it seems to be incorporated in his essential disposition.

Man possesses intrinsic (*fiṭrī*) cognitions and tendencies. In the area of cognition and perception, there are some aspects that originate in his disposition and intellect, the learning of which needs no external assistance, and he can attain certainty by imagining them; such as the axiom of the whole being larger than the parts. In the area of the tendencies and dispositions, as well, man possesses some predispositions that are rooted in his basic disposition. Man's dispositional traits (*fiṭriyyāt*) are divided into two areas of cognitions and predispositions. In the area of cognitions, the dispositional traits are affairs for which man needs no training and reasoning; and in the area of predispositions, there are natural tendencies inherent in the human's disposition.[1]

Therefore, man is a creature intrinsically in possession of some predispositions and tendencies. In the martyred scholar Murtaḍā Muṭahharī's words, "Then, we open the topic of human dispositional traits as there have been topics before that are called 'humanities' today. There is no school that renounces a number of human values—as is said today."[2]

We talk about these predispositions and tendencies and human values, as the sublime and valuable predispositions and tendencies, because using these tendencies can lead man toward the right course of life and guide him to the

[1] Mortazā Motahharī, "*Fetrat*", Qum, *Ṣadrā* Publications, second edition, 1370, pp. 30-36.
[2] *Ibid*, p. 36.

genuine perfection and welfare although there are instincts or inferior tendencies in him.

Some of the most prominent human predispositions are as follows:

1. Sense of truth-seeking and curiosity
2. Sense of justice-seeking and equity (tendency toward goodness and virtue)
3. Sense of beauty-seeking
4. Sense of God-seeking (tendency toward worship); seeking God is the perceptive aspect and worshipping is the practical one.
5. Tendency toward creativity and innovation

Among the specifications of these predispositions is that they are universal and natural (not acquired) and all people equally share them although for certain reasons, they may be ignored in some people and not be conspicuous or visible—like a fire under the ashes. For a human being who possesses common sense and a fit disposition, these tendencies have a serious and obvious manifestation. This is also the case in the societies that enjoy common sense and a fit disposition. For instance, in the primitive human societies where differences had not arisen yet and the interests had not fatally clashed with the intrinsic predispositions of man were most prominent.

One of the sublime predispositions in man is 'the propensity and tendency toward justice' or 'justice-seeking' and 'search for equity'. Some of the features of this sublime predisposition are enumerated below:

Firstly, it is an intrinsic matter and therefore not acquired and learned.

Secondly, it is not imitational in the religious law.

Thirdly, it is common, i.e. all people share the sense of justice-seeking and search for equity; white and black, red and yellow, Asian and European, Arab and Persian, all share this predisposition and there is no difference among human beings in having this sense.

Fourthly, it is universal (comprehensive) and general.

Fifthly, man attaches a kind of holiness and purity to it in his conscience and within his self.

Sixthly, it is not egocentric and profit-based.

Of course, some count the justice-seeking predisposition as a part of the tendency toward goodness and kindness or the like. For example; self-

sacrifice is one of these predispositions and according to the Qur'an, *"And prefer (them) before themselves though poverty may afflict them."*[1]

So, we mean that justice-seeking and search for equity are rooted in the disposition of mankind and just as man possesses several innate predispositions such as the sense of compassion and sympathy, the sense of beauty-seeking, the sense of worship and tendency toward God, etc, he possesses a predisposition and feeling that is incorporated into his nature and that is the sense or tendency of justice-seeking and propensity toward the establishment of equality in human societies. The basic unity of the human society is based on this predisposition as well. That is why where the Qur'an speaks of the basic unity of the human society it also has an eye on this issue that the primitive man had unity based on justice and equity, because without 'justice and equity' there could be no talk of unity of the human society; that is, the lack of justice and presence of injustice makes the establishment of 'the unified nation' and unity impossible. That is why God in His book states that, *"(All) people are a single nation."*[2]

'Justice' is a cause for the unification of the human society and for the once of avoid difference and discord. In a just society or one which is based on equity, there can be found no signs of incongruity, sedition or upheaval. But where there ■ no justice, discrimination rules and discrimination ■ the cause of nearly all vice and discrepancies in the society. A society based on discrimination is an imbalanced and incongruous one.

The divine prophets, too, were appointed to establish equity and justice—together with monotheism—and the revelation of the Books and the 'balance' was also for the same purpose:

"Certainly, We sent Our apostles with clear arguments, and sent down with them the Book and the balance that men may conduct themselves with equity; and We have made the iron, wherein is great hardness and advantages for people...."[3]

The prophets are the messengers and founders of the two basic principles of 'call to monotheism' and 'arising for justice and equity'. The invitation to monotheism displays the perfect situation of man in the orbit of servitude to and connection with 'Allah', the origin and source of all perfections, and arising for justice and equity exhibit the overview of the organization of human life. Therefore, these two are the sources of all the beliefs and the programs for the spiritual and material life of man and with their fulfillment

[1] The Holy Qur'an, *Sūrah al-Ḥashr* 59:9.
[2] The Holy Qur'an, *Sūrah al-Baqarah* 2:213.
[3] The Holy Qur'an, *Sūrah al-Ḥadīd* 57:25.

the humanity of man is perfected. That is why we see that the Prophet of Islam (ṣ) did not spare any efforts, and bore all kinds of torture to fulfill these two important tasks. As Imām Khomeinī states, "the holy Prophet survived more troubles than we have ever done. For several years, he was besieged in the Abūṭālib Valley but he resisted."[1] The patience of the prophet of Islam (ṣ) with the tortures was for the fulfillment of justice and equity in the society and this was realized through the establishment of the Prophet's (ṣ) rule in Medina. Therefore, one of the most important goals of the religion of Islam was the establishment of monotheism and justice in the society, and the scheme for the establishment of government in Islam was motivated by the same objective. Regarding the importance of the fulfillment of justice and establishment of a pro-justice government in the society, Imām Khomeinī, states,

> "By observing the Islamic law and its influence ■ all the aspects of the society—either the religious canons or the economic, legal, social and political tenets of Islam—one can perceive that Islam not merely comprised of religious and moral laws, as many of the Muslim youth mistakenly believe, but had emerged to establish a pro-justice government."[2]

After the Prophet (ṣ) his immaculate progeny followed this way and did not spare any efforts to establish equity and justice in the society. After them, also, the desired goal and the ideal of all philosophers, Islamic jurisprudents and scholars has been the issue of equity and justice. Besides, justice is a principle that enlivens the human society, and the society will suffer ■ gradual death without it. Justice is like water that keeps the tree of existence of the human societies ever green and fresh, and without which this tree will wither and perish.

Justice and equity have always been the bitterest remedy for the oppressors and the unjust, and sweeter than honey for the believers and free and pure men. That is why the unjust people cannot tolerate justice; because justice would make them equal to their subordinates and the oppressors find this equality—of the rights—at odds with their desires. From their point of view, human beings are not the same. Some are superior to others, so they are privileged to enjoy more resources and have advantages over the others. Besides, the others have to be subservient to them.

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[1] Imām Kmām Khomeinī's Statements, 08/07/1359.

[2] Imām Khomeinī, "*Kitāb al-bay*'", Tehran, the Institute for Compilation and Publication of Imām Khomeinī's Works, vol. 2, p. 46.

However, justice is, in essence, contrary to such a situation. In justice, the question is only that of aptitude, qualification and fairness, so as everything lies in its rightful place. That is why, as the Qur'an says, just as the prophets are always assailed by the oppressors, the justice-seeking persons are, as well:

"And to those who slay the prophets unjustly and slay those among men who enjoin justice, announce to them a painful chastisement."[1]

But tidings for them will be nothing but a painful chastisement. Yes, justice and seeking justice have always been hope-inspiring in the life of free men and exterminator of the oppressors. But what is of foremost importance here is what justice is. What is the meaning of justice? This is a subject, which is always of interest to the thinkers, philosophers, jurisprudents, and the revolutionary leaders and the great men of the history of mankind. There have been few men of intellect and scholars who have not joined this debate.

Among them, Imām Khomeinī, not only as a prominent scholar, thinker, wakeful and discerning religious authority, on the issue of justice and equity, but also as the leader of a grand Islamic revolution, made all efforts to fulfill justice and equity and establish the Islamic government in accordance with justice and equity. That is because from his point of view justice and equity lie in the midpoint between two extremes, which is where equilibrium exists; and because extremism is a defect, and defect is improper from the standpoint of human disposition, balance, and equity and justice are matters of human disposition and belong to 'the army of wisdom'. From the author's point of view the loftiest ideal and aspiration of the revered Imām was the establishment of justice and equity in the human society so that there would be no room for extremism, and things all would find their rightful position. Therefore, the present study will be a review of the concept of equity and justice and their standing, from Imām Khomeinī's viewpoint, as his most prominent ideal.

The meaning of justice and equity in Imām Khomeinī's thoughts

A. The lexical and literary argument

In Persian '*'adl*', '*'Idālat*', '*qisṭ*' all derive from Arabic infinitives; and lexically, they cover a range of meanings such as justice, fairness, equilibrium, balance, righteousness, equality, uprightness, honesty, moderation, 'middle', purpose, a name of God's, evenhandedness, etc. For example, the Persian dictionary *Lughatnāmeh-ye Dehkhodā* reads:

[1] The Holy Qur'an, *Sūrah Āl-e 'Imrān* 3:20.

dependent upon the will of people for power nor is it in legitimately based on God's will. The difference between the Islamic government and democracy is that democracy has always encountered the crisis of legitimacy, having no source through which to prove its legitimacy. Although peoples' will, which is the basis of a democratic government, gives it existence, providing the government with power in practice, it is not able to provide its legitimacy. Imām Khomeinī says on this:

> "The Islamic government is neither despotic, nor absolute, but constitutional. Constitutional, however, does not mean its current usual connotation, which implies ratification of law by the majority. It is constitutional in that the governors, in of the law administration and execution, they are bound to a series of conditions, which are defined in the Holy Qur'an and the tradition of the Holy Prophet. These conditions are the Islamic laws and regulations, which are to be observed. Hence, the Islamic government is the government of divine law over people."[1]

The advantage of Islam over democracy is that, in addition to having the good points of democracy such as the importance of peoples' will and their cooperation in self-determination, it is devoid of such disadvantages of democracy as lack of a source of legitimacy. Depending upon divine laws and being committed to God's commandments and orders, Islamic government enjoys the guidance of God's will and, hence, justice and legitimacy are intermingled with the nature of the Islamic government.

Freedom

Regardless of their color, race, religion, language and similar factors, by virtue of being human, human beings have a series of inalienable rights, rights that cannot be taken away from them and that governments should provide and observe.

A. Freedom

Freedom is one of the most natural rights of man. Freedom like democracy has different meanings. Thinkers and politicians have given hundreds of meanings for freedom. Montesquieu believes that:

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[1] Muḥsin Arākī, *"People's Place in Islam's Governmental System"*, *Rawāje Andīshe* Journal, first year, no. 6, pp. 13-14.

"*'Adl*: an antonym of injustice, bias; impartiality… an antonym of oppression; fairness, equity, evenhandedness; something between the two extremes, fair dealing in punishments… right, correct, equal… moderation, scales… measure; to make equal of people,"[1] "to give fair verdict, to get one's right, etc."[2]

Under *qisṭ* it reads:

"Justice and fairness, a share of anything… amount, daily bread, scales… just and fair…"[3]

Also in *Farhang-e Mu'īn* Persian dictionary nine definitions are given under *'adl* as an infinitive some of which are as follows:

"1. to do justice; 2. putting everything in their due position; 3. The midpoint between the two extremes; 4. Equity, fairness, justness, opposite to oppression and injustice; 5. Righteousness; 6. Moderation…"[4]

From a lexical view, *'adl* and *qisṭ* have been sometimes used as equivalents and sometimes *'adl* has had a vaster meaning than *qisṭ* ; thus, we can define the relationship between these two, using the terms of logic, as an absolute generality and specificity association.

In Arabic dictionaries, too, almost the same definitions and meanings are given for *'adl*, *'idālat* and *qisṭ*. For example in *al-Munjad* Arabic dictionary, these definitions are given:

"Justice, the donor of justice, just, equal, equivalent, righteousness, plainness, fairness, judgment, rightness…"[5]

Also the author of *Lisān al-'Arab* mentions, "*'adl* is what enjoys integrity and authenticity from man's point of view. *'Adl* is the concept opposite to *jawr* (injustice)."[6]

B. In the Qur'an

Both terms, *'adl* and *qisṭ* along with their derivational forms are mentioned in the Qur'an. The word *'adl* itself, excluding its derivational

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[1] Alī-Akbar Dehkhodā, "*Loghatnāmeh-ye Dehkhodā*", under the supervision of Muḥammad Mu'īn and Sayyed Ja'far Shahīdī, Tehran, Tehran University Publications, first impression (2nd edition), 1373, vol 9, pp 13905-6

[2] *Ibid*, vol 9, p. 13904

[3] *Ibid*, vol. 9, p. 15496

[4] Muḥammad Mu'īn, *Farhang-e Fārsi (in six volumes)*, Tehran, *Amīr Kabīr* Publications, eleventh impression,

[5] Sayyāh, *Farhang-e Bozorg-e Jāme'-e Novin (a translation of al-Munjad)*, Tehran, *Islām* Publications, Bītā, vol. 2, pp 1016-1017

[6] Ibn Jumbūr, *Lisān al-'Arab*, vol. 9, p.83

forms, occurs thirteen times in seven different *sūrahs*. In some verses *'adl* means 'counterpart' and 'equivalent'—like in verse 48, *sūrah al-Baqarah*—but it usually means justice, or spreading justice as a moral humane trait which belongs both to the individual and to the social and collective aspects of man, that is the groups, organizations, social institutions and aspects, and in general, to the society. For example, verse 90, *sūrah al-Naḥl* directs to '*'adl*' and says, "Surely Allah enjoins the doing of justice and the doing of the good (to others)..." or in verse 58, *sūrah Nisā'* a guideline is given to perform the judgment and rule among people according to *'adl*: "Surely Allah commands you to return the borrowed to their owners and that when you judge between people you judge with justice..." or verse 9, *sūrah al-Ḥujurāt* directs us to reconcile the Muslim groups according to *'adl* and *ṣulḥ* (peace): "make peace between them with justice..."

In general, justice in the Qur'an covers a vast variety of meanings such as conforming to moderation, integrity and equality in affairs, an intrinsic state of compromise, something dispositional and incorporated in man, scales, impartiality, fairness, and the like; but most important of all is to conform to moderation, to avoid extremism, and to move along the path of innate purity and divine disposition. Justice, from this point of view, can be an attribute or virtue of human beings, or a state or characteristic of social groups and forces as well as that of social institutions. From the Qur'an's point of view, justice is one of God's attributes, it belongs to the 'army of wisdom', and it is a part of the human's divine disposition, and the whole cosmos works and moves based on it. Yes, justice is the disposition of man with which he has been endowed, and innately he is inclined to it, accepts it, loves it, makes his effort to fulfill and promote it, sets it as his main goal, and sacrifices himself for its realization.

There are 15 instances of the term '*qisṭ* ', excluding its derivative forms, in ten different verses of the Qur'an. On one occasion, God introduces Himself as the 'Conductor of Equity (*qisṭ*)'[1], but in most other cases what is mentioned is, "abiding by *qisṭ* ," "testifying with *qisṭ* ," "conducting *qisṭ* ," "employing *qisṭ* ," etc. for example, "Say My Lord has enjoined justice..."[2] In this verse God demands the fulfillment of justice in the form of a command. In verse 25, sūrah *al-Ḥadīd*, too, the revelation of the 'undeniable signs' and the appointment of the prophets is supposed to be for the

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[1] The Holy Qur'an, *sūrah Āl-e 'Imrān* 3:18, ■ commented by 'Allāmeh Tabātabā'ī in *Tafsīr al-Mīzān*.
[2] The Holy Qur'an, *sūrah al-A'rāf* 7:29.

execution of justice on behalf and by people. In other cases, the fulfillment of justice in 'the scales' or 'the balance' (*kayl* and *mīzān*) is emphasized.

In general, in the Qur'an both *qisṭ* and *'adl* stand for the concepts such as moderation, integrity, lack of extremism, organization of the affairs, etc, but some studies show that, firstly, *'adl* has a more comprehensive and a vaster meaning than *qisṭ* because *'adl* monitors both the inside as a result of piety and purity and the outside as result of the social and political piety of the society, but *qisṭ* has its look more outward, that is, it views the society more and is a kind of acceptance of evaluation and a balancing between individuals. Secondly, *qisṭ* and *'adl* both depend on a kind of internal disposition; hence transcendental matters, and their fulfillment in the human self and soul and in the society are aspired to by man. Thirdly, the verses referring to the meaning of *'adl* more emphasize a type of state, a persistent attribute, a transcendental status, and premeditation, while the verses referring to *qisṭ* focus more on the performative aspect—especially toward the others. Therefore, maybe in terms of precedence we could consider *'adl* preceding to *qisṭ* and say that without the realization of *'adl* inside the individuals and the society, achieving *qisṭ* is supposed to be impossible.

Any way, the fulfillment of *'adl* and *qisṭ* is evolutionary and gradual and, meanwhile, something individual and social, which are rooted in human disposition and man's divine nature is formed based on it, or, in other words, it has been incorporated in man's self and quintessence. This process which we call innate purity (*ḥanīfiyyat*) originates in the human divine disposition, transforms the inner self of the individual and cultivates moderation and righteousness in it. When the extremisms are banished, a 'just' (*'ādel*) individual is created. However, the individual cannot acquire perfection alone and by himself. The perfection of man is realized within the community and society, so it is at this stage where the external aspect of justice—in which we may find the meaning of *qisṭ* —and justice surpass the individual level and *qisṭ* is established.

C. In the traditions of the Infallible Imāms

The terms, *'adl*, *'edālat* and *qisṭ* , in the above sense, occurs in many verbal traditions of the Prophet of Islam (*ṣ*) and the Infallible Imāms (*'a*). For example; in the eloquent words of the Master of the Faithful[1], justness is introduced as, in the wider sense, placing every entity in the right position (respecting merit, fairness, etc), and at the same time, as a social and

[1] *Amīr al-Mu'minīn*, the first Imām of the Shī'ites

organizing factor, "Justness is placing every entity in its place"[1]. That is, justness creates moderation, equilibrium, organization and order within the individual and society, and keeps them from extremism. Talents, merits, efficiency, ability, etc, are among the criteria of the science of fulfilling justice, in this sense. Therefore, the two elements of fairness and merit are included in the meaning of justice and consequently, justice in itself is a virtue more superior to any other virtue. Besides, justness is ■ policy and a custodian of people, that is, justness regards the society and shares out everybody's right according to their ability, efficiency, merit, and talent. In such an approach, justness is a criterion and scales—"Justice is the criterion"[2]—for all the legal principles, for legislation, and for the supervision and the sense of supervision over the implementation of the laws of life; so, not only is justness a human virtue in this definition, but is also a social characteristic and a feature of the political and social tenets of the society and even has a priority over them. "Justice is life;"[3] "Justice is salvation and honor;"[4] "Justice is the firmest foundation"[5] and "Equity is the best testimony,"[6] etc; and how beautifully Sanā'ī (Iranian poet of the 12th century) puts it:

Justice is a candle lighting the world
Injustice a fire burning the countries

Yes, justice is life in this sense that it gives life, liberates the individual and the society from the state of lethargy, servitude, discrimination, injustice, oppression and suppression, all of which are signs of the death of man and human societies. In fact, man's life is dependent on justice and equity, and without them man would be a zombie and the society a cemetery full of zombies. As Ferdowsī (Iranian poet of the 11th century) says:

If the king of the world is unjust,
All good will disappear.
Then the wild ass will not breed in time,
The falcon's offspring will go blind.
Rectitude will escape for the abundance of wickedness.

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[1] Imām 'Alī ('a), *Nahj al-Balāghah*, compiled by Sayyid Raḍī. Aphorisms, ■. 429.
[2] *Persian Elucidation of Āmedī's Ghurar ul-Ḥikam wa Durar al-Kalām*, edited by Sayyed Jalāleddīn Muḥaddis, Tehran, Tehran University Publications, 1373, vol. 1, p. 57.
[3] *Ibid*, vol. 1, p. 57
[4] *Ibid*, p. 179.
[5] *Ibid*, p. 203.
[6] *Ibid*, p. 104.

Deficiencies will come about from every corner.[1]

Therefore, in the traditions and customs of the Infallible leaders (ṣ), too, justice and equity are the criteria and scales for the laws and regulations, and they are virtues and attributes for the individual, society, social institutions, groups, organizations, customs, principles, regulations; and in general, they are attributes of man's individual and social practices. And since in the Islamic view, man has two countenances, individual and social, the society and community are man's social countenance;[2] therefore, justice and fairness both belong to his individual countenance—hence, 'a just person'—and to his social countenance—hence, 'a just group', 'a just society', 'just laws', and 'just principles'.

Justice is a human virtue that signifies and embodies other human virtues too; it is a token both of piety, commitment, internal inspiration, and of the exterior states and deeds. It is both a characteristic of the individual and that of the society making up man's social countenance.

D. Justice in the political thoughts of Plato and Aristotle

Justice is a subject which has kept busy the minds of all thinkers—philosophers, divine theologians (*mutakallimīn*), Islamic jurisprudents, etc—and every one has tried in this field to proffer a definition for justice and to make their theoretical and academic efforts to establish justice. Plato considers justice to be a sort of internal propensity, which hampers motivations related to individual interests:

"Justice is a kind of internal aptitude and propensity in the human being that hinders his pungent feelings and stimuli, which are inclined toward self-interest, and stops man from acts that ostensibly benefit him but are proscribed by his conscience."[3]

In fact, he believes justice to be a kind of internal aptitude or ability and power solely belonging to man, and he is distinguished from other animals by that. This ability or power is the basis and underpinning of man's life and if it starts to work, it will bring man a prosperous life: "Justice, as one of

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[1] Abu'l-Qāsim Muḥammad Ferdowsī (also spelled Firdawsi), *Shāhnāmeh*, vol. 1, p. 444.

[2] Sayyed Muḥammad-Bāqir Ṣadr, *Al-Madrisah al-Qirāniyyah* [Arabic text], Beirut, *Dār al-Ta'āruf li'l-Maṭbū'āt*, No date, lesson six, pp. 89-100

[3] Michael B. Foster, "*Khodāvandān-e Andīsheh-ye Siyāsī*", vol. 1, Persian translation by Jawād Shaykhu'l-Islāmī, Tehran, *Amīr Kabīr*, 1361, pp. 41-42.

man's exceptional potentials, is the basis for a life he deserves, that is a life coupled with welfare."[1]

Aristotle, too, believes that the real prosperity of man is found in virtue, and virtue is justice, and justice is moderation and temperance, which is the midpoint between the two extremes he maintains "Here we conclude that the best type of life is one based on moderation, at a level possible for anybody to attain."[2]

Therefore, Aristotle perceives justice as an exalted virtue; a virtue that reappears in other virtues, rather than being only a grand virtue; one of the most splendid of all virtues, which includes all the others. Therefore, regarding the importance of justice he says: "... So, usually it seems that justice is the grandest of all virtues; brighter than the morning and the evening star, and it is for this reason that we use this proverb: 'Justice encompasses all other virtues."[3] "Justice is a fully comprehensive piety because practicing it is practicing the ultimate virtue..."[4]

On the same basis, the just can attain the leadership of the society and guide it to the true welfare; so, "just is the person who conceives or safeguards the political welfare of the society either entirely or partially."[5]

E. Justice in the thoughts of some of the great scholars of the Islamic world

Justice is among the issues which enjoy a rather grand status in the thoughts of the great scholars of the Islamic world. For example, in the political thoughts of Abūnaṣr Fārābī, justice is one of the basic and key concepts discussed in a vaster and more diverse content than what Aristotle and Plato had done. Fārābī suggests five definitions for justice,[6] three of which are referred to here:

1. Justice is the most significant and all-inclusive virtue:

"The practice of virtuous deeds between oneself and the others; whatever that may be."[7]

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[1] Carl Boer Mann, *Plato*, Persian translation by Muḥammad-Ḥasan Luṭfī, Tehran, *Ṭarḥ-e Now*, 1375, p.46.

[2] 'Abdu'r-Raḥmān 'Ālim, "*Tārīkh-e Falsafeh-ye Sīyāsī-ye Gharb*", Tehran, Bureau for Political and International Studies, 1376, p. 134.

[3] Quotation from a poet of the 6th century BC.

[4] Aristotle, "*Akhlāq-e Nīkū*", Persian translation by Riḍā Mashāyekhī, Tehran, 1364, p. 162.

[5] *Ibid*, p.125.

[6] Farnāz Nāẓir-Zādeh Kermānī, "*Uṣūl wa Mabādī-ye Falsafih-ye Sīyāsī-ye Fārābī*", Tehran, az-Zahrā' University Publications, first impression, 1376, pp. 313-317.

[7] Abūnaṣr Muḥammad Fārābī, "*Fusūl al-Madanī*", chapter 60, p.144.

2. Justice in the society, meaning the fair sharing of benefits:

"Sharing all benefits common among the citizens by all of them."[1]

What he means by benefits in a civil society is security, safety, respect, status (esteem, dignity, prestige) or other advantages and benefits which can be shared,[2] and in this sharing, everybody has an equal portion—based on their capacity.

3. Justice as the ultimate goal of all the laws and regulations of the civilization. For example; regarding over-punishment he writes:

"One could even say that punishment severer than the crime itself is an injustice to all citizens."[3]

Also, Khwājah Naṣīruddīn Ṭūsī, when defining justice and the just person says,

"The real just person is one who balances the powers of the self and evaluates the words and the acts emanated from the self powers."[4]

Mawllā Mahdī and Mawllā Muḥammad Narāqī express their definition of justice as follows:

"Justice is a virtue that causes 'the faculty of acting' to abide by 'the faculty of intellect' so that no act is done by man but under the command of intellect; and this happens when the virtue of justice is also well-established in a man that all his acts and deeds manifest moderation."[5]

Moreover, among the great jurisprudents, Shaykh Anṣārī, in the chapter on Justice in his *al-Makāsib*, refers to two concepts regarding justice:

1. He believes justice to be an attribute of the self that makes man to observe piety and fairness; and one can interpret 'attribute' as a state, form of the self, a virtue, power or ability that is bolstered in the human soul and nature through exercise and practice.

2. Justice is the power and ability to avoid the cardinal sins, as well as the power inside man that keeps him from 'distraction' in practicing his religious obligations...[6]

These definitions and the others suggested in the Islamic world regarding justness, equity, and justice show that these notions are attributes, states, qualities, human traits, moderation and personal integrity, perseverance in the self and the powers of the self, equality, moderation, lack of extremism,

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[1] *Ibid*, chapter 58, pp. 141-142.
[2] Farnāz Nāẓir-Zādeh Kermānī, *Ibid*, pp. 315-316.
[3] *Fuṣūl al-Madanī*, chapter 59, *Ibid*, p. 143
[4] Khājeh Nasīroddīn Tūsī, *Akhlāq-e Nāserī*, Tehran, Islamic Publications Institute, p.101.
[5] Mawllā Aḥmad Narāqī, "*Jāmi' as-Sa'ādāh*", vol. 1, p. 52; Aḥmad Narāqī, "*Mi'rāj as-Sa'ādah*, p. 37.
[6] Shaykh Ṭūsī, "*al-Makāseb*", p. 326; also, "*Risālih-ye Fiqhiyyah*", pp. 5-6.

purity, piety, are dispositional states, and they have surely been issues of interest for Imām Khomeinī, too.

The definitions of justice from Imām Khomeinī's point of view

Imām Komeinī perceives justice, equity and justness from a vast and all-inclusive viewpoint, and has observed them from different angles. A review of the written works, speeches, and messages of Imām Khomeinī shows that his Highness, elucidating and defining justice and equity, has expressed different notions. Here only some of these concepts are briefly expressed:

1. Justice and equity the opposite of injustice and unfairness

Imām Khomeinī, in the 5th *maqṣad* of his revered book, *"Sharḥ-e Junūd-e 'Aql wa Jahl"*, elucidates the point that justice is opposite to injustice: "On the explanation of justice and its opposite which is injustice."[1]

2. Justice as the midpoint between the two extremes (moderation) in affairs

In this classification, the Imām follows Aristotle saying that justice is moderation in affairs and acts; therefore, he describes it as an unswerving and temperate progress: "Know that justice is the midpoint between the two extremes."[2] "And it is justice that is the right course and the moderate progress."[3]

3. Justice meaning modification of the human self's abilities:

"Justice means the modification and refinement of the stamina of acting... and there is another definition, which is the modification of all internal, external, spiritual and self powers."[4]

4. Justice as the loftiest human virtue

"And it is one of the cardinal moral virtues; even, the absolute justice is the same as all the internal, external, spiritual, cordial, personal, and physical virtues."[5]

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[1] Imām Khomeinī, *"Sharḥ-e Junūd-e 'Aql wa Jahl"*, Tehran, the Institute for compilation and Publication of Imām Khomeinī's Works, 1st impression, 1377, p. 147.
[2] *Ibid*, pp. 147, 150, 152, ...
[3] *Ibid*, p. 152.
[4] *Ibid*, p. 151.
[5] *Ibid*, pp. 147, 150.

5. Justice in the jurisprudential sense (a constant trait in man)

"Justice is a constant virtue that is the cause for piety, abandoning the unlawful, and performing the religious obligations."[1]

The criteria for the recognition of justice in Imām Khomeinī's thoughts

To understand the meaning of justice from Imām Khomeinī's point of view, a number of criteria, which he had in mind, should be referred to. Some of these are as follows:

1. Justice and equity being criteria and bases

In the Islamic world and from this school's viewpoint, justice, justness and equity are scales and criteria, bases and foundations. This topic has been reiterated in the verbal traditions and words of the Prophet of Islam (ṣ) and those of the other Infallible Imāms (*'a*), as well as those of the Islamic thinkers. For example; regarding the justice and equity being measures and criteria, the Holy Prophet (ṣ) stated: "Justice is God's scales and measure on earth. Whosoever embraces it, it will lead him to the Paradise, and whosoever abandons it, will be dragged to the Hell by it."[2]

On this basis, Imām Khomeinī, whose thought is included in the area of Islamic thinking, believes justice to be a principle; one that can be a criterion, basis, and measure for other humans and their social affairs. That is because the implementation of the laws according to the criteria of justice and equity, and resisting the oppressors, etc. are not such affairs to lose their freshness as the human history and his social life pass by.[3]

2. Justice a token of the presence of the truth (the companionship of justice and the truth)

The presence of justice is a sign of the presence of the truth, and any affair, in which justice and equity are found, is a true one; however, where there is no justice, that matter is false. In fact, there is a kind of affinity between justice and the truth. That is, any just matter is true, and any truth[4] is just. For example, from Imām Khomeinī's point of view, the government which is in the path of justice, is true, and whatever other than it is false. He

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[1] Imām Khomeinī, "*Tḥrīr al-Wasīlah*", part one, p. 10.

[2] Ḥurr 'Āmilī, "*Wasā'il ash-Shī'ah*", ibid. vol. 11, p. 31.

[3] *Shījeh-ye Imām. A Collection of Imām Khomeinī's (s) Statements*, Tehran, The Ministry of Culture and Islamic Guidance, 1st impression, vol. 21, p. 177.

[4] '*Haq*' [which has different meanings in Persian 'right', 'truth', 'God'] is what belongs to man according to intellect, reason, merit and other qualifications ['right'].

believes "The regime which supports justice, the regime which holds more esteem for the farmers than for the officials, is an Islamic regime."[1]

That is why Imām Khomeinī perceives justice and justness accompanying the truth in all aspects and stages. Elsewhere he says, "And, either in the manifestation of the divine wisdom in which justice is the lack of interference from God (the Truth) to people and vise versa, or in the truths of the faith, where justice means comprehension of the truths of existence, from the ultimate beginning of the perfection of the Names to the ultimate end when the appearances to the Ideas or in the morality of the self which is a balance between the triple powers [of the self]."[2]

3. Comprehensiveness and all-inclusiveness

From Imām Khomeinī's point of view justice and equity have inclusive and comprehensive meanings and include all aspects of the individual and society's existence. In its individual dimension, justice keeps man from extremism and from oppressing one's self [personal sins] and leads him to the way of the truth. Accepting injustice, just as doing injustice, both originate in the lack of self-purification. "**He will indeed be successful who purified himself.**" If we had attained this, neither we would be susceptible to injustice nor would we be unjust[3] Yes; from Imām Khomeinī's point of view, man attains justice when his *jihād* of the self [self-purification] has been perfected.

When the *jihād* of the self is over at this stage, and man succeeds to expel the army of Satan from this land and makes the land of his being the abode of Allah's angels and the temple of Allah's righteous slaves, the way-faring toward Allah becomes easy and the right path of humanity bright and clear and he assimilates the men of faith.[4]

In the social, cultural, political, and economic dimensions, too, justice and equity has a certain delicate meaning which is discussable from different aspects. Therefore, it is not merely a social, economic, or moral topic; rather, it has a comprehensive and inclusive meaning and encompasses all aspects of man's individual and social life. That is why, discussing justice, Imām Khomeinī pays attention to all of its dimensions. For example, he says,

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[1] Muḥsin Ājīnī, "*Andīshehā-ye Iqtiṣādī-ye Imām Khomeinī (ṣ)*", Tehran, the Islamic Revolution Cultural Documents Organization, 1st impression, 1374, p. 237.
[2] *Sharḥ-e Junūd-e 'Aql wa Jahl*, Ibid, p. 148.
[3] "*Āyin-e Inqilāb-e Islāmī*", the Institute for Compilation and Publication of Imām Khomeinī's Works, 2nd impression, 1374, p. 39; *Ṣaḥīfeh-ye Imām*, vol. 19, p. 19.
[4] Imām Khomeinī (ṣ), "*Sharḥ-e Chehel Ḥadīth*", Tehran, the Institute for Compilation and Publication of Imām Khomeinī's Works, 7th impression, 1375, p. 26-27.

> "Freedom means that man is entitled to do whatever the law allows him, and that no one should be compelled to do something, which is against his benefit and the law has forbidden. If he does something that the Law has forbidden, there will be no freedom then."

"Liberty in its western concept is freedom of doing anything, provided that they are not disturbing the rights of others. In other words it means: do whatever you want to, but do not cause inconveniences to the rights of others."[1]

Liberty has different examples, the most important of which include: 1) personal liberty; 2) freedom of thought; 3) political freedom; 4) civil freedom; and 5) religious freedom.

In Islam's view freedom is a holy word, having a great variety of meanings and truths and is regarded ■ innate right of man. Islam believes that all individuals are the offspring of one mother and father and that they have no priority over each other unless they have merit or virtue and all are equal in human rights, the clearest example of which is regarded to be personal liberty. Everyone ■ entitled, therefore, to determine his own way of life and not to be under oppressive influence of others, as God has created man free and given freedom to him. This kind of freedom, in Islam's view, is recognized ■ a natural right of man and every one should do his best to protect it and try to prevent it from being wasted. Imām Khomeinī holds freedom one of the bases of Islam. On Islam's view of personal liberty, the Imām says:

> "Islam has created man free and has a hold over himself, his property, his life and chastity. Islam is the origin of all liberties, all kinds of magnanimity and all kinds of independence."[2]

The aim of all divine prophets' mission was to guide people to justice and maintain just and reasonable freedom in society.

"*We verily sent Our messengers with clear proofs, and revealed with them the Scripture and the Balance, that mankind may observe right measure.*"

A large portion of the Universal Declaration of Human Rights is devoted to different kinds of freedom (at least 18 articles out of 30 articles). These articles in fact emphasize common freedoms of man and animal. Such

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[1] *Ḥuḍūr* Periodical, no. 31, pp. 167-168.
[2] *Ṣaḥīfeh-ye Imām*, vol. 1, p. 68.

"Justice is, in fact, an interaction with the foreign governments, and with people, and in judgment and sentences, and sharing the public revenue..."[1]

So, here the international justice, political justice, judiciary justice and social justice are all observed by Imām Khomeinī. International justice is mentioned in 'dealings with foreign governments', political justice in 'interactions with people', judiciary justice in 'judging and passing verdicts' and social justice in 'the sharing of the public revenues'.

4. Justice belongs to 'the army of wisdom' and is a dispositional matter

From Imām Khomeinī's point of view, justice and equity originate in the person and the essence of man; that is, man is naturally disposed to move toward justice and establishment of equity in the society and evades injustice, discrimination, etc. For the same reason, he believes justice to be one of 'the army of wisdom' and in line with the incorporated divine disposition.[2] Because in Imām Khomeinī's thought justice is a virtue of the self and stands at the midpoint between the two defects, which are at the two extremes (extremism). The defects are abhorred by the essence of man, while man's self has the predisposition and propensity for virtues. On the same basis, a man in possession of common sense and pure divine disposition intrinsically hates extremism whereas is inclined toward justice and equity, so it is a part of his essence. Therefore, man is naturally in possession of 'the sense of seeking justice and the right'. In his Highness' words, "Among the divine dispositions incorporated in the essence of man is the love for justice and showing humility in front of it, and the hatred toward injustice and refusing to abide by it"[3]

5. Justice and equity the ultimate end of man and the society

In Imām Khomeinī's thoughts, justice and equity are not ends for an individual, group, social cast, or a special school; rather, it is a human end. Hence, it is present at all times and places for all men. Seeking justice is a humane and dispositional matter. The joyful and vigorous human soul can provide people with an environment furnished with welfare, wellbeing, security and spirituality, and can leave no space for injustice and oppression nowhere in the world, at no period of time, for no group from among human groups, and for no individual among human individuals. As quoted from

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[1] "*Governance of the Jurist*", pp. 73-74

[2] Imām Khomeinī, "*Sharḥ e Chehel Ḥadīth*", pp. 112-113, etc.

[3] *Ibid*, p. 113.

Imām 'Alī ('a), "Make secure the oppressed ones from among your slaves"[1] So, Imām Khomeinī, too, following Imām 'Alī ('a), in this regard says:

> "All lands and days should play this role and the nations should not overlook always to stand against injustice. It is incumbent upon all of us to oppose the unjust regimes, especially those who are against the basis of [Islam and justice]."[2]

Here it is necessary to mention that although fighting injustice is not necessarily the same as seeking justice, usually these two go together; renouncing injustice is the asking for justice because injustice is the opposition with justice, vice versa.

6. Justice as duty, obligation, responsibility

Imām Khomeinī believes the fulfillment of justice and equity, either within the self and individual or within the society, to be a dispositional, divine and human obligation incumbent upon each individual member of the society. The human responsibility calls for avoiding silence against injustice and oppression and rising for the fulfillment of equity. Touching on the words of the Master of the Faithful ('a) in this regard, Imām Khomeinī states, "We are obliged to back the oppressed ones and be an enemy of the unjust. It is the same obligation mentioned by the Master of the Faithful ('a) in his renowned testament addressing his revered sons. He advised them saying, "Be an enemy to the oppressors and a supporter of the oppressed."[3]

In another instance he says, "What is important is that we fulfill a duty; our duty is to oppose injustice, to fight the injustice, to counter it."[4]

From Imām Khomeinī's perspective, this grave responsibility is graver and more important for the scholars of the society. They are more heavily responsible compared with other members of the society.

> "The just leaders and jurisprudents are obliged to utilize the governmental organizations and establishments to implement divine decrees and to establish the just regime of Islam and to serve people."[5]

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[1] *Nahj al-Balāghah*, Speech 131.
[2] "*Ā'īn-e Inqilāb-e Islāmī*", p. 392; *Ṣaḥīfeh-ye Imām*, vol. 9, p. 202.
[3] *Islām-e Nāb*, Tehran, the Institute for Compilation and Publication of Imām Khomeinī's Works, 2nd edition, 1374, p. 198; "*Imām Khomeinī wa Wilāyat-e Faqīh*", Tehran, the Institute for Compilation and Publication of Imām Khomeinī's Works, pp. 28-29.
[4] *Islām-e Nāb*, p. 205, *Ṣaḥīfeh-ye Nūr*, vol. 12, pp. 92-3; vol. 2, pp. 207-8; vol. 15, pp. 229-30; "*The Governance of the Jurist*", pp. 7-8; etc.

In this statement, Imām Khomeinī believes the just person's duty to be the fulfillment of justice and equity in the society, which can be done by the government. Therefore, the government is the administrative power for justice and an instrument through which justice is realized in the society.

7. Justice a virtue of the prophets, divine executors and free men

The movement of all divine prophets and leaders and great men has been toward the fulfillment of justice and equity in the society, and they have not spared their lives, property, and even their dear ones for this end. Rectifying the society and establishment of justice is the tradition, method and policy of all the prophets and their successors. The Imām maintains, the prophets have all come to improve the society to conduct people with equity. Justice has to be established among people and in the society; lives have been sacrificed; properties have been sacrificed; they have gone through troubles. It cannot be said that the prophets rested even a single night."[2]

8. Justice a cause of growth and blossoming of people's talents, welfare and development in the societies

The establishment of justice and equity in the society not only provides for the revival of religious knowledge and morality, but also creates a secure and safe environment in which the talents flourish, imaginative faculties blossom and growth and development take place in all aspects of the society. That is because the economic, political and intellectual security provides for the cultural growth of the society. On the other hand, as it would stop corruption and plundering, and cleanse the society from illegitimacy and squalor, the divine endowments would come to man from all directions. As it is said in the Qur'an: *"And that if they should keep to the (right) way, We would certainly give them to drink of abundant water."*[3]

Therefore, justice and equity are important factors in the growth and flourishing of human potentials and the development of the human societies. In this regard Imām Khomeinī says, "Establish the Islamic justice. With the Islamic justice all will enjoy freedom, independence and welfare."[4] Also to close this section, we have to mention that Imām Khomeinī considers equity

[1] *Majmū'eh Maqālat*, vol. 1, p. 527.
[2] *Ṣaḥīfeh-ye Imam*, vol. 15, p. 146.
[3] Holy Qur'an, *Surah Jinn* 72.16.
[4] Muḥsin Azhīnī, *Andishehā-ye Iqtiṣādī-ye Imām Khomeinī (ṣ)*, p.236; *Ṣaḥīfeh-ye Imām*, vol. 6, p. 77.

(*qist*) to be an equivalent of justice (*'adl*): "*al-Qist* * with an '*i*' sound after the '*q*' means '*adl*.'"[1]

The general approaches to justice in Imām Khomeinī's thought

Having the above criteria in mind, we can find some broad perspectives regarding justice and equity in Imām Khomeinī's political thoughts which are as follows:

Justice is a natural tendency and a dispositional and incorporated trait in human being

According to some of the verbal traditions, justice and equity belong to 'the army of wisdom'. That is, justice is a matter of wisdom, hence humane. Imām Khomeinī, too, in the elucidation on the verbal tradition called '*Junūd-e 'Aql wa Jahl*' [the armies of wisdom and ignorance] quoted from the seventh Imām ['*a*] about the armies of wisdom and ignorance considers justice to be one of the army of wisdom and in this regard, he explains justice is an attribute or a state in going with the incorporated disposition of man.[2] It means that man has a dispositional propensity toward equity and justice and hates injustice and oppression. The innocent human disposition is inclined toward justice and is averse and opposed to injustice and oppression. Besides, if we consider justice and equity as a human virtue we understand that—according to Aristotle—they are attributes ranking as high as moderation; therefore, they have two defective extreme ends which form extremism. On this basis, justice is perfection and injustice, inequity and the lack of justice, and disregarding one's own or the others' rights are all imperfections. On the same basis, justice and equity are dispositional propensities inside man which accompany him from birth time; rather than being an acquired trait, it is divine and dispositional. Therefore, from Imām Khomeinī's point of view the tendency toward justice and equity has been incorporated into human nature. Although in many people this natural tendency temporarily fades off sometimes through love of the world and the dominance of the selfish lusts, etc, it is something inseparable from man's nature. Imām Khomeinī elucidates the subject of innateness of justice and the love for justice in man in plain words:

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*In Arabic and Persian writing systems the consonants usually are not transcribed.
[1] Imām Khomeinī, *Sharḥ-e Chehel Ḥadīth*, p. 557.
[2] Imām Khomeinī, "*Sharḥ-e Junūd-e 'Aql wa Jahl*", p. 113.

> The heart is innately responsive to the just section [of his nature] and innately detests injustice and unfairness. Among the divine dispositions incorporated in the depth of man's nature is the love for justice and receptiveness to it, and hatred toward injustice and lack of resignation in front of it; if one sees the opposite, they should know that there is a defect in the basics.[1]

Justice, as a dispositional trait or a human propensity and intellectual category can appear in one of the said forms.

Justice, an attribute and virtue of the self and an inner and transcendental state

Justice defined as a virtue and ■ state of the self is accepted by the majority of the jurisprudents, divine philosophers and thinkers of the world. This virtue and state of the self gradually develops in man through practice and rehearsal, tendency toward justice and truth, piety, and sacrificing individual interests for the collective ones therefore, it will prevent him from religiously unlawful deeds and doing harm to others, and drives toward fulfilling religious obligations and making sacrifices for the collective interests, self-sacrifice, purity, fairness, and moderation. In this sense, in Ibn Abi'l-Ḥadīd's words, "Justice is ■ virtue by which man's Self, naturally and with no trouble, emanates virtuous and good acts."[2]

Defining justice in this sense, in item 28 under the sub-topics of religious Imitation in his book, *Tahrīr al-Wasīlah*, Imām Khomeinī states,

> "Justice is a deep-rooted virtue, which always obliges man with keeping company of piety, abandoning religiously unlawful deeds, and fulfillinng religious obligations."[3]

Although this dimension of justice expresses its jurisprudential meaning, such an approach to the question of justice is not only irrelevant to the social and political approach, but also it is a contributory and causal factor for it. As Imām Khomeinī states,

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[1] *"Sharh-e Chehel Ḥadīth"*, p. 112.
[2] Ibn Abi'l-Ḥadīd, *"Sharh-e Nahj al Balāghah"*, vol. 6, p. 37
[3] Imām Khomeinī (s), *"Tahrir al-Wasīlah"*, published ■ Qum, vol. 1

"And after Lust and Fury give in to the status of justness and religious law, justice arises in the kingdom [of the self and the society] and the just and rightful rule is established in which righteousness and fair laws rule and command."[1]

Justice and equity are suggestive of the presence of 'moderation' and lack of extremism, and fulfillment of rights

Since the time Aristotle, speaking of moralities, put forward the question of 'moderation' and set all good attributes as the moderate virtues and defined two extremes for them, political thinkers and moralists have paid considerable attention to this topic. However, it should be mentioned that the question of the moderate course conveyed no meaning regarding many good human attributes, but since 'justice' and 'equity' in themselves express a kind of 'moderation', 'equation', 'equilibrium' and 'balance' inside man and society, introducing them as virtues with the two extreme ends of 'discrimination, injustice and unfairness' and 'the disrespect and disregard for one's own rights' seemed to be right.

The theory of equilibrium and moderation has a significant status with the Islamic philosophers and thinkers. Imām Khomeinī, too, in his book *Forty Ḥadīths* in the chapter on justice, considers it as 'moderation' and the midpoint betwixt the two extremes. On this basis, from Imām Khomeinī's point of view justice is a virtue at the midpoint and between two vices:

"But the reason for '*farīḍah-ye 'ādilah*' [the just religious obligation] being about ethics, is that the religious obligation is described by '*'ādilah*' [just], he believed. That is because the good temperament, as described in ethics, means staying between the two extreme ends; and each of the extremes are deplored, and 'justice' which is the midpoint and the point of moderation between them, is something praiseworthy. For example, courage, which is one of the principles and bases of good behavior and a virtuous habit, is defined as the median and the moderate state between the excess of recklessness—that is not to fear when fear is due—and the opposite excess of cowardice—which is to fear when fear is not due. And wisdom which is another principle is the midpoint between the vice of 'imprudence'which means using one's mind unduly—and the vice of 'idiocy'—which is a breakdown of the thinking faculty when it is due to work. Also the same about chastity and generosity which are respectively the midpoint between the two vices of immorality and abstemiousness, and extravagance and

[1] Imām Khomeinī, "*Sharḥ-e Chehel Ḥadīth*", p. 169.

> parsimony. Therefore 'justness' of the religious obligation (*farīḍah*) suggests that it goes with ethics."[1]

That is why we see that a thinker like Ṣadr, when discussing justice, writes, "Justice is to persist on the ways of Islamic creed (*shar'*) so that this persistence becomes the fixed nature of the just person and a habit of his."[2] (Here justice means persistence, diligence and observing moderation in all individual and social aspects.)

On this ground, justice strikes a balance among all virtues as well; in other words, credibility of other virtues are determined by justice. That is to say, justice is at the same time a scale, or a measure, which is used as a means to determine religious commands and prohibitions. Therefore in law and jurisprudence, in politics, economics and ethics, justice is a basic principle too. It is a criterion by which the other matters are assessed; the laws are compiled and ratified according to justice and equity and are implemented according to them, and law-breakers are defied according to them. From this perspective the role of justice and equity in humanities, law and jurisprudence resembles that of the axiomatic principles in mathematics, logic and philosophy.[3]

In this regard, in his testament, Imām Khomeinī states,

> "The implementation of the laws according to justice and equity, stopping injustice and oppression rule, expanding individual and social justice, prohibiting corruption, immorality and all forms of aberration, freedom in line with wisdom and justice, independence and self-sufficiency, stopping colonialism, exploitation and slavery, executing Islamic punishments, sentences and penalties (*ḥudūd, qiṣāṣ, ta'zīrāt*) according to justice in order to eliminate corruption and decadence of the society, and policy-making and guiding the society according to wisdom, justice and equity, and a lot more like these, are not going to go outdated in coarse of time and human history or among the activities of the social life. Such a claim is parallel to saying that the logical and mathematical principles need to be changed in the current century and to be replaced by other principles."[4]

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[1] *Ibid*, p. 390.

[2] Sayyid Muḥammad-Bāqir Ṣadr, "*al-Fatāwi'l-Wāḍiḥah*", Beirut, *Dār at-Ta'āruf li'l-Maṭbū'āt*, 8th impression, Part 1, p. 120.

[3] Some examples are the causation principle in philosophy, 'the sum of internal angles of a triangle makes 180 degrees' in mathematics or 'the whole is larger than the part' in logic, etc.

[4] "*Waṣiyyat-nāmeh-ye Mudū'i-ye Siyāsī-Ilāhī-ye Imām Khomeinī*" (*s*), p. 106.

E. Justice as a social attribute (the social meaning of justice)

Although in his written works or speeches Imām Khomeinī has not expressed a certain definition for the social justice or the social aspect of justice, his concern and awareness about the question of equity and justice in the society and the political, social, economic and judicial (etc) institutions shows that his Eminence did not believe justice to be a mere habitual trait or individual virtue; rather he saw it as a social and political attribute and quality. From this perspective justice is an attribute and feature of the customary laws and regulations and that of the political and social institutions; moreover, it is a hallmark of the human society. Justice is an attribute of the society, religion, the religion of Islam, and an attribute of God. It is a reference to the same perspective when Islamic justice is mentioned in the Imām Khomeinī's thoughts. How beautifully Imām Khomeinī has expressed this point,

> "We are going to establish the Islamic justice in this society; such an Islam in which justice is present; an Islam in which there is no injustice; an Islam in which the first person in rank and the last one are all the same before the law."[1]

On this basis, if there were equality in regards with implementation of the laws and regulations and any discrimination and bias were done away with and all strata of the society attained their rights, then that society or religion or institution would deserve to be attributed by justice. Therefore, from Imām Khomeinī's point of view justice does not exclusively belong to the judiciary and its peripheries; rather, it is also gravely important for the other organizations of the Islamic republic, such as the parliament, administration and its affiliated bodies, the army and the Law Enforcement forces and the Revolutionary Guards (*Sepāh-e Pāsdārān*), the armed Committees, *Basīj*[2] and the other officials.[3]

The status of justice and equity in Imām Khomeinī's thoughts

Both in his theoretical viewpoints and his individual and social traits, Imām Khomeinī deems establishment of justice and equity his loftiest goal, and believes that the fulfillment of monotheism is also possible in a person and in a society which has attained justice. For instance at the very outset of

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[1] *Ṣaḥīfeh-ye Imām*, vol. 9, p. 42.
[2] These are some of the sections of the Iranian armed forces.
[3] *Ibid.*

the uprising, about justice and the necessity for its establishment as the great Islamic cause, he states,

> "The oppressive regime supposes that by doing inhumane acts [i.e. cultural and ethical corruption, relation with Israel] and pressurizing they can dissuade us from reaching our goal which is and the establishment of social justice, which is the great cause of Islam."[1]

Here we will hint at some of Imām Khomeinī's viewpoints to understand the status of justice and equity in his thoughts. From Imām Khomeinī's point of view, the basic principal cause of Islam is the establishment of equity and justice, and its measure is the social equity and justice and all the Islamic laws, regulations and rules have been shaped and expressed according to justice and equity. Islam has come to fulfill equity and justice in the society. Has this Islam come to get along with Kasrā [a king of Persia] and to tell people to obey him?! In one of his speeches, the Imām said,

> "Has this come to get along with the Caesars and instruct the Romans to like them?! Or has it come and defeated the two empires and beat them to [establish] justice in the world so to stop [those oppressors] from devouring the poor?"[2]

Also in *al-Bay'* he writes,

> "Imām Ṣādiq ('a) founded and designed the firm basis of the *ummah* and the creed, so that if this scheme spreads in the society and the jurisprudents and thinkers propagate it among the people, especially in the scientific circles and among the modernists, it intrigues their, especially the youth's awareness and attention, and may motivate them to rise up for the establishment of the Islamic rule—a just rule that would cut short the alien's grip on the Muslim countries."[3]

Also Imām Khomeinī deems the fulfillment of the Islamic revolution and the establishment of the Islamic Republic regime not for government-making and putting up a ruling system instead of the successive royal regime, per se, rather the ultimate goal of establishing a government and, more than that, the goal for the Revolution, is the establishment of the Islamic justice. From his

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[1] *Ibid*, vol. 1, p. 47.
[2] *Ibid*, vol. 3, p. 7.
[3] *Al-Bay'*, vol. 2, p. 482

point of view, in general, the reason behind making a government is the establishment of justice and equity in the society, eliminating privileges and discriminations, and creating the just and moderate man, and the just, moderate and equitable society. In *al-Bay'*, he writes,

> "Since the Islamic rule is the rule of the divine law and a rule for implementation of the law and the spread of the divine justice among people, the ruler and the leader should possess two attributes, which are the bases for the law and without which the rule of the law would not be established. One is the knowledge about the law and the other is justice."[1]

Imām Khomeinī in his Paris speeches about the plans for the future government said, "We want a just government; a government that would expend the revenues of the country for the country itself."[2]

He deems the fulfillment of the Islamic Revolution in line with the establishment of the Islamic rule and by 'Islamic rule' he means nothing but the rule of justice; a rule in which there is no trace of usurping the treasury, discrimination, injustice, oppression and inequity. And this is a human principle, accepted by any sensible man. Such a government would be adored by people too.

The Imām said:

> "When we say 'Islamic government', say 'the rule of justice', we mean that there needs to be a ruler who would not usurp the Muslims' treasury, who would not steal from the Muslims' treasury; that is what we maintain. This is a reasonable word, which would be accepted by any human society".[3]

In addition, from Imām Khomeinī's point of view, the divine prophets, the Infallible Imāms of Shī'ism, the great philosophers, thinkers and free men of the human history has made every effort to establish justice and equity in the human societies. The efforts of the divine prophets and apostles, the wars and *Jihāds*, the liberation struggles, the sufferings and tortures that they bore, were all to create a just and equitable society. The goal of the prophets and the pure men has been neither to conquest and expand the territory, nor to impose their beliefs upon others; rather, the goal of all of them has been justice and equity. This point has been repeatedly brought into attention in

[1] *Ibid*, p. 464.
[2] *Ṣaḥīfeh-ye Imām*, vol. 4, p. 13.
[3] *Andīshehā-ye Iqtiṣādī*, p. 232; *Ṣaḥīfeh-ye Imām*, vol. 2, p. 130.

freedoms as freedoms of thought, belief and religion, taking part in the elections, bringing legal cases in the courts, are exclusive to man while the rest of the freedoms are those which are common to man and animal. What is, knowingly or unknowingly, forgotten is the spiritual freedom which has come to be known as freedom-loving on which much emphasis is put in Islamic sources and the tradition, "Do not give in to being the servant of others, while God has created you free,"[1] attest this claim. Depriving man of his personal and social rights and freedoms is in fact repressing one of his natural wishes, since man is naturally born free. One of the most important kinds of freedom is political freedom by which the following two meanings are implied:

1. Every individual is entitled to take up any post he or she has the merit of and to participate in planning his political and social affairs while no factor can deprive him or her of this lawful and natural right and give the administration of the country to a certain group.

2. Every member of society is entitled to express his critical and corrective ideas freely and without any fear. This right includes the right to free speech and the press, as well as that of establishing parties, societies and communities.[2]

Freedom of speech and the press are of great significance in a political society. Freedom of expression is that in which the individuals can practically express their ideas. This problem causes people to improve their level of knowledge and thought, and if repressed, will hamper societies and the individuals' growing evolution. Freedom of speech is one of the terms recognized in the political jurisdiction of Islam and dates back to early days of Islam's emergence. Islam is based on logical demonstration and dependent upon reason, not afraid of freedom of expression. It is recommended that as for the problems of freedom of speech, despotic governments be compared with democratic ones. In despotic governments, neither the nation thinks itself belongs to government, nor the government takes nation into account. As a result, whenever the political power feels that a person or a community is about to criticize and that parties and groups want, through freedom of speech, to make people aware of the backstage secrets, it tries to, at any cost, put end to criticisms and suppress the uprising. In such a society, it is clear, that not only there will be no such political freedoms as freedom of speech, but the government and the nation would live in a deep and rooted confusion.

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[1] *Nahj al-Balāghah*.

[2] Zayn al-'Ābīdīn Qurbānī, "*Islam and the Human Rights*", Office for Publication of Islamic Culture, 1367 AHS, p. 261.

Imām Khomeinī's works; for example, regarding the prophets' effort to fulfill justice, he states,

> "The efforts the prophets made, the wars they waged against the adversaries of 'the way of righteousness', etc. have been all aimed at the establishment of a just regime in which God's decrees are implemented."[1]

It has been not only the efforts of the prophets that have been made for the fulfillment of man's rights and the establishment of justice and equity, but also basically the most important rationale for the arising of the prophets is the fulfillment of equity and justice in the society—for the people and by the people. From such a perspective, the revelation of *bayyināt* [the indisputable proofs], *Kitāb* [the Book], *mīzān* [the balance], and *ḥadīd* [the iron], are the instruments of the fulfillment of justice and equity in the society. What is our duty regarding the movement of the divine prophets, Messengers, and Apostles? The reverend Imām Khomeinī has many references in his words to the efforts made by Solomon (*'a*), David (*'a*), the Prophet of Islam (*ṣ*), the Master of the Faithful (*'a*) [Imām 'Alī], Imām Ḥusayn (*'a*), etc for the fulfillment of justice and equity. What is our duty? From the Imām's point of view, our duty is nothing but to follow the same way. This is an obligation for us to do. Making efforts to fulfill equity and justice is necessary and compulsory both as a human and as a divine and religious obligation.

> "Justice is in fact to act like Imām 'Alī the Master of the Faithful, in the international relations, interaction with people, judiciary, and the sharing of the public revenues."[2]
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> "It should not be supposed that positions such as ruling or judging has been of importance for the reverend Imāms (*'a*); ruling was significant to them only if it helped them establish the rule of justice, and to spread social justice among people."[3]

From Imām Khomeinī's point of view, if the intention of the prophets is to cultivate man, human beings will not find the way and will not be refined but through justice and equity.

He expressed,

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[1] *Ṣaḥīfeh-ye Imām*, vol. 8, p. 81.
[2] *Wilāyat-e Faqīh*, pp. 73-74
[3] *Ibid*, p. 99.

"The establishment of justice is realized by the rectification of men. Justice is not but a human deed and injustice is a human deed too; the establishment of justice is to transform the unjust person to ■ just one".[1]

Meanwhile, from Imām Khomeinī's point of view, the composing, ratification, and implementation of the laws, and the implementation of the decrees of the religious law, and the announcement and the deliverance of the rules by decree are all performed according to justice and equity. Therefore, the main principle in the elucidation of the jurisprudential decrees and the common and constitutional laws, in the elucidation of the rationale behind the implementation of the laws, and, in general, in the social, political, economic and jurisprudential regulations, is justice and equity. Islam, as ■ divine religion, is also based on justice. Not only Imām Khomeinī deems the rationale of the religious laws to be the fulfillment of justice and equity, but also he believes the religious laws to be instruments and tools whose purpose is the implementation of justice and equity in the society, and if the presence of the religious laws does not help establishment of justice and equity in the society, practically it has been all in vain. Therefore, the desirability of the religious laws is instrumental rather than intrinsic while justice and equity possess an intrinsic desirability. He maintains,

"Basically the religious laws do not possess intrinsic desirability, rather they are instruments and mechanisms used for the correct implementation of the goals of the Islamic rule and the expansion of the equity and justice in the society."[2]

In general, from Imām Khomeinī's point of view, the underpinning of the religious laws is justice and equity. In another instance, discussing the reason for the prohibition of usury, he hints at the topic of injustice: "Justice is the opposite of injustice, and because charging more than enough, that is usury, is a case of injustice and against justice; therefore usury has been prohibited as a form of injustice for the fulfillment of justice in the society." Imām Khomeinī alluding to the verse, *"And if you repent, then you shall have your capital; neither shall you make (the debtor) suffer loss, nor shall you be made to suffer loss,"*[3] states:

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[1] Imām Khomeinī (s), "*Tafsīr-e Sūreh-ye Ḥamd*", Tehran, The Institute for the Compilation and Publication of Imām Khomeinī's Works, p. 129.
[2] Imām Khomeinī (s), "*Shu'ūn wa Ikhtiyārāt-e Walī-ye Faqīh*", translated and published by the Ministry of Culture and Islamic Guidance, Tehran, p. 42.
[3] The Holy Qur'an, *sūrah al-Baqarah* 2:279.

"This verse implies that asking for more than the original [borrowed] money is injustice and inequity from the religion's point of view, and this injustice and inequity is the rationale and reason for its prohibition."[1]

The significance of justice from Imām Khomeinī's perspective

In Imām Khomeinī's view justice is so important that he has clearly and decisively emphasized the need for the implementation of justice and equity repeatedly and asked his followers not to spare any efforts to set up righteousness and justice in the society so that the authorities turn into the servers of the nation, the oppressed improve and the capitalist world-worshippers lose their credit.

To close this article we will quote some precious statements from his reverence on this subject:

1. Execute justice; don't wish it for the others, but for yourselves too. Have justice in your deeds; have justice in your words; decrease the formalities and serve this nation.[2]
2. Tell the people of the world that in the way of righteousness divine justice one should be all enthusiasm and and sacrifice anything, even sacrifice 'Ismā'īl Dhabīḥullāh' [the slaughtered for Allah] so that righteousness becomes perpetual.[3]
3. To desert moderation and divine justness and the right path is to be drowned and avoiding this is a divine obligation.[4]
4. Set Islam and its justice-nurturing laws high on your agendas; and this is something unattainable without a justice-seeking Islamic rule.[5]
5. Shī'ism is just at the same time as being resistant, and justice means 'neither be unjust to others nor stand any injustice'. The agenda of Shī'ism and that of our Imām is summarized in these two phrases: 'Neither bear any injustice nor be unjust.' This is the general agenda of Shī'ism and Islam...[6]
6. The God of Islam is just. Its Messenger is just and Infallible too. Its Imām is both just and Infallible too. Its judge had better to be just. Its jurisprudent had better to be just too. Its witness to a divorce had better to be just too. Its communal prayer leader had better to be just too. Its Friday

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[1] *Kitāb al-Bay'*, vol. 2, p. 451

[2] *Ṣaḥīfeh-ye Imām*, vol. 19, p. 226

[3] *Kalamāt-e Qiṣār (Pithy Aphorisms)*, Tehran. The Institute for the Compilation and Publication of Imām Khomeinī's Works, p. 219

[4] *Ibid*, p. 219

[5] *Ṣaḥīfeh-ye Imām*, vol. 2, p. 17

[6] *Kawthar*, vol. 3, p. 184

prayer leader has to be just too; from the Holy Divine Being to downwards, the ruler has to be just too, the governors have to be just too, If there is no justice among the rulers, the result will be the corruptions you are witnessing; rifles in the hands of the unauthorized people, unfair people and unjust ones. On the one hand they murder people and on the other hand they maintain the motto of social justice.[1]

7. Make sure that the president and the parliamentarians are from a social stratum that has felt the depravation and oppression of the oppressed and the deprived ones, and are mindful of their welfare, rather than being from the capitalists and the opulent and self-indulgent upper class who cannot understand the bitterness of depravation and the agony of the famished and the miserable.[2]

The results of the fulfillment of justice

From Imām Khomeinī's point of view the establishment of equity and justice brings along all kinds of good and gain for the just person and the just and equitable society. Such a society enjoys security, so its individuals enjoy tranquility and confidence. In a chaotic environment, the mystics cannot proffer their mysticism, the philosophers their philosophy, the jurisprudents their jurisprudence, but when the government becomes the rule of the divine justice and implements the justice and prevents the opportunists from achieving their goals, a calm environment forms and in this calm environment everything will grow.[3]

If man is deprived of freedom, which is among the principals of the human individual rights and without which he would lose his humanity because man is distinguished from the other animals by his freedom, intellect and will power, there will remain no more humanity and human identity for him. Freedom will be realized only through justice and equity. The just man is the free man and the equitable and one who spreads justice is the free man—in its genuine sense. A just society is also a free society. Independence is naturally the outcome of justice and equity of the society.

Imām 'Alī (*'a*) states, "Justice is the foundation upon which rests the existence and cohesion of the universe."[4] In another instance his reverence deems justice to be the cause of survival of the beings of the world, "God

[1] *Ṣaḥīfeh-ye Imām*, vol.1, p. 272.
[2] *Andīshehā-ye Iqtiṣādī-ye Imām*, p. 127.
[3] *Ṣaḥīfeh-ye Imām*, vol. 20, p. 30.
[4] Muḥammad-Bāqir Majlisī, "*Biḥār al-Anwār*", vol. 75, p. 83.

Almighty has set justice as the foundation and the cause of survival of beings."[1]

As Ḥakīm Ferdowsī puts it:

If you are just and have pure intentions
You will surely find your reward in the afterworld

[1] *Ghurar al-Ḥikam wa Durar al-Kalām*, vol. 1, p. 374.

12

The Correlation between Freedom and Justice

Ḥujjat al-Islām Wa'l-Muslimīn Muḥammad Iskandarī

In this article we will study in brief the two major nationalistic and religious ideals that is freedom and justice from Imām Khomeinī's point of view; the two ideals that have a crucial impact on our social developments and a close correlation with each other.

The concept of freedom

Freedom has different meanings four of which we will be referred to here:

1. Sometimes, by freedom we mean the innate faculties that the Great God has incorporated in man from the Genesis through which he can do what he wishes if the obstacles do not hinder him. So from this perspective freedom denotes the intrinsic powers of man. Such a freedom has been bestowed to man by God and no one but He can give it to man or take it from him. Of course, using the same freedom man can make himself a slave of the others and deprive himself of this very freedom; that is why Imām 'Alī (*'a*) in his words states, "Don't be a slave of the others while God has created you free."[1]

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[1] *Nahj al-Balāghah*, letter 31.

Article One of the Declaration of Human Rights hints at this freedom, "All human individuals are born free"; then all the other forms of freedom are based on this prerequisite.

2. Sometimes, the meaning of freedom is that man is to be free in his behavior and deeds and not to be restricted by any morality and values, and any judiciary and social bounds and to do whatever he wishes and feels like doing at any moment, disregarding the rational results or consequences it may bring about in the future.

Freedom in this sense will be followed by the liberation of the human desires from the rational principles and spiritual and moral values; and although it may bring along transient pleasures, it may do irrevocable harm to the future of the individual and, as termed by the Islamic ethics and Qur'anic verses this will be called lustfulness.

In fact, one could say that this is the same [illegible] the freedom of the selfish desires and lusts from the rational principles, and the more a person's experience, knowledge and providence increase, the more he will accept restrictions.

3. Sometimes, by freedom it is meant the freedom of man from the harmful effects of the animal desires, and the freedom of mind from the servitude and captivity of the selfish desires so that he would abide by the rule of the wisdom, the storm of desire and lust would not send him off the track and cause his fall and ruin.

4. Sometimes, by freedom we mean the freedom of man, individuals, groups, and human societies from the captivity of yet others—either individuals or societies; to get free from the impediments devised by individuals, societies or aggressive governments against the weaker individuals, societies or governments to curtail their freedom of action or to exploit the weaker individuals or governments to fulfill their whims and wants.

In this regard, Imâm Khomeinī says:

> "I ask the youth, the girls and the boys not to sacrifice their independence, freedom, and human values for the pleasures, lasciviousness and going to the prostitution centers—even though they should take some trouble and difficulty—for they do not think of anything but to capture you in the snare of colonialism and to disgrace you with dependence."[1]

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[1] *Ṣaḥīfeh-ye Imām*, vol. 21, p. 185

Classification of freedom

Freedom can be classified in different ways. It can be divided into two types of natural and legislative; the legislative freedom can be divided into the national or interior and international or exterior. In this manner, the legislative freedom itself can be divided into moral freedom and legal freedom. Besides, the interior freedom can be divided into the freedom of thought, expression, writing, gatherings, occupation, etc; and the international freedom is dividable into several branches and subdivisions. Here we will review some of the above mentioned types of freedom.

The natural and legislative freedom

The natural freedom means that in the created and natural world, God Almighty has created all free and granted them the ability to do a variety of things and to choose different ways and has not made anybody slave or bondman to another in a way that they may have no other choice. This freedom is the very essence of humanity, which differentiates from other animals. This freedom is the basis of religion, ethics, after-worldly reward and penalty, the religious guidance of man and the arising of the prophets. God says, "*We have directed him to the Path; let him be either grateful or ungrateful,*" which refers to the same freedom. What is meant by the legislative freedom is the freedom authorized by the law and the religious law, bestowed to man, which leaves him free to do one of the things he wishes to do none of which is legally reproachable or punishable. Naturally the legislative freedom of man is more restricted than his natural freedom and man is obliged to restrict his natural disposition in the world of law and religious law, taking into account the others' rights in the society and his own future, perfection, and spirituality.

Imām 'Alī (*'a*) is quoted as saying, "Don't be a slave to another person while God has created you free." This verbal tradition can be considered as a reference to the natural freedom of man, while it may as well imply the legislative freedom, meaning that God has created you with freedom, or He has made you free in His divine law, so do not be a slave of other.

In Imām Khomeinī's opinion, Islam has created man free and has made him dominant over himself, his property, his life, and his familial dignity.[1] This phrase is a little ambiguous too. It can be the natural freedom of man regarding his genesis, implying that in the Islamic perspective God has created man free. The other possibility is that what is implied is the

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[1] *Ibid.*, vol. 1, p. 68.

legislative freedom of man which refers to the freedoms given to man in the holy divine laws of Islam that leave him free regarding his life, property, and his familial dignity from the religious law and legislative point of view, although his next sentences more imply the (religious) legislative freedom.

Never should the natural freedom be deemed the criterion for the legislative freedom because when one enters the society, his intrinsic and natural freedoms will be restricted by the rights and freedoms of others; and when we think of our future, we realize that freedom will be even more restricted in order to attain happiness.

The national and the international freedom

By the national freedom, we mean that a person in the society possesses the freedom to act and to will, to materialize his desires and fulfill his ideals; such as the freedom of thinking, of expression, job, housing, marriage, etc. The International freedom is that the nation is capable of making its governing system and society according to its views, tendencies, and its accepted values and right beliefs, and [illegible] live under such system, and set up desirable economic, political, and cultural relations with any country it wishes.

Imām Khomeinī in his words refers to the both freedoms. Somewhere he says:

> "The oppressive regime, which doesn't respect freedom for any individual member of the nation and is using the lack of freedom as an instrument to achieve his goals, thinks that it can deceive people in the name of freedom of women, to fulfill the evil ends of Israel."[1]

In this phrase he is expressing the national freedom, or the individual freedom in the society. The Shah's regime deprived individuals from their legal and indisputable freedom while it tried to fool the public by the motto of women's freedom. At the same time, his eminence talks about another type of freedom, which differs greatly from this freedom and we have called it the international freedom. He states,

[1] *Ibid.*, p. 49.

"If the Islamic governments and the Muslim nations followed the illuminating and emancipating teachings of the Holy Qur'an, and put them into practice, today they would not be assailed by the Zionist aggressions and deterred by the American Phantoms and resigned to the conciliating will and deceits of the Soviet Union."[1]

In another instance, he addresses the past regime saying, "We tell you not to be a dire slave to the others, You are an Islamic government Keep up your dignity… maintain independence and give up subordination."[2]

In fact, the international freedom shows the relation between two systems, in an indirect way though, and gets to the individuals through the governments, too. Therefore, speaking on freedom, he sometimes refers to the relation between two governments and states,

> The deprived people of this country are obliged to express their agreement with the Monarchy—a decayed system, which is negated by Islam and has to be abolished; a regime that attacks Islam on a daily basis, and if, may God forbid, it finds a chance, it will do away with the basis of Qur'an; a regime that has endangered the very existence of the nation and has deprived it from all freedoms.[3]

In another instance, the Imām expresses his regret about the depravation of the nation from its international freedom, and states,

> So sorry that in an age when the nations break free from the yoke of colonialism one by one, and find their independence, the great Muslim Iranian nation is deprived of all aspects of freedom and struggles with all kinds of despotism and backwardness, because of one of the most reactionary persons and one of the dire slaves of colonialism, and the dominance of one of the most terrible forms of despotism over the country.[4]

Or he says:

> The Iranian nation is Muslim and wants Islam; the Islam that includes freedom and independence, the cutting short of aliens' grip, the elimination of the bases of injustice and corruption, the curtailment of the traitors' hands. Now it is obliged upon all Muslims, especially the most-knowing

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[1] *Ibid.*, p. 186.
[2] *Ibid.*, p. 68.
[3] *Ibid.*, pp. 211-212.
[4] *Ibid.*, vol. 1, p. 215.

Since in democratic governments, unlike despotic systems, people find the political power familiar and enforcer of their wishes, not only do they feel entitled to criticize incorrect behavior of the government and make the governors aware of their own corrective ideas, they also believe it is their social and national duty to warn the ruling system of its deficiencies through freedom of speech and formation of parties and associations. The governments, obviously, welcome people's guidance and criticism, trying to reform their ways. "Whenever covering criticizing the functions of the ruling political system, freedom of speech would be the right of the public."[1]

Development of the press in a country, can be regarded a criteria by which peoples level of understanding in that country can be evaluated. Using technical methods of giving information, the press can establish the elements of a real culture, if they try to show the realities to people and make them aware of the essential problems of life.

In the constitution of the Islamic Republic of Iran "promotion of the people's general understanding in all aspects by appropriately using the press and mass media and other means" is one of the government's duties in the press section. Also it is asserted in the constitutional law that: "The press is free in telling their opinions unless what they say is against the principles of Islam and General Law." On the freedom of the press, Imām Khomeinī states: "a civilized country is one that is free, one in which the press are free, and people are free in expressing their opinions"[2]. Altogether, the press of any country should agree with the nation and in the service of the nation. Otherwise, it cannot be approved of by the nation and should not be regarded as national press[3]. Since man's writing is sacred, so the press given to human societies should be guiding and lightening as well. "The press should be similar to a mobile school, informing people of different problems, particularly of new ones. On the whole, the press should be a guidance agency."[4]

On the philosophy of freedom of expression in the political frame, Imām Khomeinī asserts:

> "Islam is the founder of a system in which despotism is not the governing system which imposes its own carnal intentions and views. The Islamic government is a system originated from and inspired by divine revelation,

[1] *Ṣaḥīfeh-ye Imām*, vol. 9, p. 235
[2] *Ṣaḥīfeh-ye Imām*, vol. 2, p. 407.
[3] *Ṣaḥīfeh-ye Imām*, vol. 6, p. 192
[4] *Ṣaḥīfeh-ye Imām*, vol. 18, p 65

> *ulama* (religious scholars), the intellectuals, and the old and modern universities to say what is needed to the international officials, in order to defend the dear Islam and to maintain its life-giving laws, which safeguard the independence and freedom.[1]

The origin of man's social bondage

In the traditions and Qur'anic verses two origins are speculated for the bondage of man. The first is the primary and interior origin, and the second is the secondary and exterior origin.

1. The most significant and internal origin for man's bondage and servitude—as understood from the traditions and Qur'anic verses—is lustfulness and insensible indulgence of man. The selfish desires and lustfulness bond man and deprive him of freedom.

By studying the traditions, we attain this certain truth that the bondage or freedom of man is at his own will. Therefore, he is continually addressed or reprimanded in this regard, instances of which we will review here:

Imām 'Alī (*'a*) states:

> "Hold respect for yourself by keeping clear from humility, and if you get inclined toward desires, you will not get a worthwhile repay in exchange for what you give away from your self. and do not be a slave to the other than yourself, for God has created you a free person."[2]

These meaning rich phrases show that man should regard himself too dignified and grander to do any mean job, even if it helps him reach his desires because what he loses by giving in to low deeds and inferiority is far dearer than what he gains, and nothing can replace it. Therefore, man should not make himself a slave or bondsman to others while God has created him in freedom.

Therefore, there are three important points in this quotation. Firstly, the freedom or bondage of man is up to himself. God has created him free and no one and nothing but himself is able to deprive him of this freedom. Of course, man is sometimes persuaded to be a slave of others by his own free will. Secondly, in fact his superficial and social slavery is essentially caused by the selfish desires and internal tendencies; or in other words, it is caused by the bondage and servitude to the selfish desires. Thirdly, in any kind of slavery chosen by man, he will gain something, such as property or status,

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[1] *Ibid.*, vol. 1, p. 250

[2] *Nahj al-Balāghah*, ed. Şubḥī Şāliḥ, letter 31.

and lose something, but what he loses is much more precious and loftier than what he gains.

What is emphasized here is this volition of freedom and bondage, which shows that the superficial bondage of man roots in his internal bondage and lustfulness, and the main and implicit origin of his superficial bondage and slavery is lustfulness, or else no one is capable of taking him into slavery. Imām 'Alī ('a) in another instance states,

> "Some worship God for gaining a profit; that is the tradesmen's worship. Some worship God as a hermit; that is the slaves' worship. Some worship God as to show their gratefulness; that is the free men's worship."[1]

Whatever 'Alī ('a) names here is the worship of God and will be accepted by Him. But the precious freedom and liberty of man necessitates that he be completely free from the selfish desires and whims. In fact, it is the internal desires of the self that sometimes makes man worship God for certain purposes, and is in contrast with freedom and liberty.

Anyway, these words and the last ones, show that the freedom or bondage of man is affected by a main internal factor and is not separate from his selfish desires in a way that this factor does not even leave him in the midst of worshipping. Yet, whatever that factor is, it concerns him and resides inside him, and this is the theme of one of the Qur'anic verses: "God would not make change to a peoples unless it change its souls from within."

In another instance Imām 'Alī ('a) states, "Where are your good and pious ones, and where are your free and moderate ones?"[2] In these words, Imām considers freedom a value, counts the free ones among the good and pious; and this is per se a reason for the volition in man's freedom and shows that the freedom or bondage of man roots in his within. On this topic, Imām Ḥusayn ('a) states, "If you have no faith and you are not afraid of the Day of Judgment, at least be a free man in this world."

He directs people to be free-minded and not to be unjust to others, and to think about what they are going to do, whether it is right or wrong, and this is the best proof for what we are after here; it shows that man's freedom or bondage is under his own control and has a personal and internal factor. Lustfulness has been directly despised and renounced in the Qur'an in different phrases: "*Have you then considered him who takes his low desire for his good and Allah has made him err having knowledge and has set a*

[1] *Ibid., Pithy Aphorisms*, p. 237.
[2] *Ibid.*, speech 129.

seal upon his ear and his heart and put a covering upon his eye. Who can then guide him after Allah?"[1] Elsewhere, a verse goes, "*Have you seen him who takes his low desires for his good? Will you then be a protector over him? Or Do you think that most of them do hear or understand? They are nothing but cattle; nay, they are straying farther off from the Path."*[2]

Therefore, if man is in control of the selfish desires, makes wisdom the leader in his life and practices piety and justice, he will be free; otherwise, he will be captive to the selfish desires and lead a life of bondage.

So, man's external freedom depends on whether his selfish desires dominate his wisdom or his wisdom dominates his selfish desires. 'Alī (*'a*) says, "Your wishes are your desires, so forbid yourself from what is not lawful to you;"[3] Also he says, "Many a wisdom which is bondage to a ruling desire."[4] Also he says, "Don't respond to your desire in a subservient manner;"[5] and says, "Kill your desire using your wisdom."[6] All this importance associated with forsaking lustfulness has a clear reason; that is because lustfulness will ruin the world and afterworld, will darken and spoil the future of man, is the source of corruption and injustice in society, draws man toward bondage and slavery and makes him subject to the others' injustice.

In fact, it should be said that there are two sources for the spread of corruption and injustice: subservience and acceptance of injustice, and oppressiveness and revolt.

If there are no people accepting injustice in the society, the oppressor will not find any grounds for oppression. The primary rule for man's being prone to injustice is his lustfulness which makes him from within bear even injustice and aggression of others toward himself, in order to be able to reach his desires. In this case, he will not protest against those who mock his identity, personality, and sanctities, and even encourages them, to reach his desires, and keeps quiet when other people are being oppressed, to sustain his own interest and as a result, the unjust ones and the oppressors find no obstacle on their way to be aggressive, to oppress, and to cause corruption and decadence.

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[1] *Sūrah al-Jāthiyah* 45:23.
[2] *Sūrah al-Furqān* 25:43-44
[3] *Nahj al-Balāghah*, letter 53
[4] *Ibid.*, *Pithy Aphorisms*, p. 211
[5] *Ibid.*, letter 71
[6] *Ibid.*, *Pithy Aphorisms*, p. 424.

2. The secondary and external origin for man's servitude and bondage in the society is the others' lustfulness. Sometimes, the social situation is set in a way that a cast would make another cast subservient or a captive of its whims and selfish desires. What makes them do this is their lust for power and expansionism. The Qur'an terms such social situation as '*istiḍ'āf*' (willingness to be oppressed) and '*istikbār*' (willingness to oppress) and there are lots of verses speaking of '*mustaḍ'afīn*' and '*mustakbirīn*' and their characteristics and traits.

Lustfulness the sole factor for social corruption

Therefore, one would say, the only reason for the servitude of man, *istiḍ'āf*, *istikbār*, and all manifestations of social corruption, is lustfulness. It urges man from one hand to accept servitude and bondage from within and on the other, it urges the others to oppress, exploit and humiliate, from outside, to be aggressive to him and make him subservient.

So, lustfulness gradually attributes the oppressed with a passive role, willingness for retreat, and submission to injustice, and encourages the oppressors to be unjust and aggressive with others. and this can be considered as the sole cause of social corruption. What is the reason for God and the Infallible Apostles, to oppose lustfulness, boundless desires, and the abusing of the freedom of desires and whims? The reason is that all sins and decadence root in lustfulness which can cause certain sins and corruption in a person, stratum, or group and finally give dominance to a certain system which is the same as an oppressive regime. Yes, the Qur'anic verses and the verbal traditions [of the Imāms], vehemently fight this dangerous phenomenon, which has a grave impact, not only on the individual's life, but on the social environment. God says: *"And should the truth follow their low desires, surely the heavens and the earth and all those who are therein would have perished. Nay, we brought them their remembrance, but from their remembrance they turned."*[1]

Yes, righteousness is not subject to the wishes and selfish desires of man, if this is the case, social decadence and corruption will dominate and that is what 'Alī (*'a*) complains about to God Almighty: "Oh God, we complain to you for the absence of our Prophet, and the haphazardness of our desires."[2] If the whims and selfish desires dominate the society, a variety of corruptions will abound:

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[1] *Sūrah al-Mu'minūn* 23:71.
[2] *Nahj al-Balāghah*, speech 29, 97, etc.

1. If all members of the society enjoy the same degree of power, the society will end up in chaos, in which case nobody will feel safe and no single system will rule the society members and, in fact, it is an unfulfilled society. That is why Imām ʻAlī says, "The society needs a ruler either good and just or bad and unjust." What his eminence means is that an oppressor ruler is better than no rule and chaos. So, although an oppressive rule is renounced and is given negative value in comparison with a just rule, it has positive value in comparison with the rule of chaos, because at least it will bring a discipline to the society and relieve people from total insecurity. Imām ʻAlī (*'a*) complains of this lustfulness, which causes chaos and says, "Oh people, whose bodies are in accord but whose desires are divergent."[1] And in another instance he says: "Oh God, we complain to you of the absence of our prophet and the haphazardness of our desires."[2]

2. If an individual or group has more power than the others and utilizes this power, although the society will be relieved from chaos and will enjoy order and discipline, since the basis of that rule is desire and lust (rather than equity and justice), it will end in oppression and one person or group will rule over the others according to its wishes and selfish desires—rather than equity and justice. The ruler will impose his egoistical wishes and volitions on the others using terror and threat. Although a few will be enjoying absolute freedom and divulge in their selfish desires, some other will be deprived, suppressed and in bondage. Therefore, selfish desires will lead the society to despotism, oppression and the bondage of the nation, as in the first case they led it to chaos.

3. The vices and the consequences of lustfulness are not restricted to what we said. They will as well ruin the future of the individual and the society and result in their fall. The Holy Qur'an says, "*And if We had wished, We would certainly have exalted him thereby; but he clung to the earth and followed his low desire.*"[3]

This verse well shows that following the selfish desires will end in the fall of man and will ruin his future and stop him from soaring, growing and transcending. In another verse it is said, "*And do not follow him whose heart We have made unmindful to Our remembrance, and he follows his low desires and his case is one in which due bounds are exceeded.*"[4] Yes, in one word we can say that following the selfish desires will bring about all

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[1] *Ibid.*, letter 15.
[2] *Ibid.*
[3] *Sūrah al-A'rāf* 7:176.
[4] *Sūrah al-Kahf* 18:28.

individual, social, moral and legal vices. Therefore in some of the verses, injustice is considered equal to the following the selfish desires: *"Nay! Those who are unjust follow their low desires without any knowledge."*[1] Imām 'Alī (*'a*), too, in an instance says, "The initiation of the dilemmas is the following of the desires and the making of unaccustomed rules."[2] Imām Khomeinī has also consistently emphasized the danger residing in the selfish desires, warning, "The pest of man is his selfish desire."[3] He states somewhere "Prevent the selfish desires, which are he source of all vices."[4] And elsewhere he says, "All the evil found in the world originates in egotism and they all root from the love for the self and this idol is the biggest of them all, and hardest to shatter."[5]

Freedom and lustfulness

Now that the motto of freedom is present in the society, we should firstly define it, and secondly, understand what the groups and persons who use this motto mean, and accept or refuse it after deliberation and rational reasoning.

Certainly, freedom may not be defined as the unrestricted freedom of the personal desires so anyone does whatever he desires without any consideration for the rights of the others or his own future because this will result in nothing but decline and all the vices we have mentioned before such as chaos, despotism, oppression, decline, and any other imaginable vice will go with it. It is not possible, from logical, traditional and religious perspective, for any one to have the right to do whatever he wishes, because this will cause mere anarchy and chaos in the society and will pave the way for despotism and oppression and even the reasonable and logical freedom of the individuals will be finally ignored.

Freedom and justice

Therefore, the motto of freedom—the freedom that can be fruitful and sustainable, one which will not result in despotism and oppression, one which will not trigger the fall of man and will not alienate him from his human life debasing him by giving him an animal life, the freedom which is not accompanied by aggression on the others' rights, usurping the property and capital of the others and harming their fame—denotes a systematic,

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[1] *Sūrah ar-Rūm* 30:29.
[2] *Nahj al-Balāghah*, speech 50.
[3] *Ṣaḥīfeh-ye Imām*, vol. 1, p. 224.
[4] *Ibid.*, p. 225.
[5] *Ibid.*, p. 156.

reasonable, and logical collective freedom which all the members of the society will enjoy without ruining the future of the individual and society. In a nutshell, we could say that the motto of freedom denotes ■ freedom which is restricted by justice and does not trespass the boundaries of justice and is not inclined toward oppression, aggression, and sin.

The motto of freedom relates to the individuals, social strata, and groups which are captive to other individuals, strata, or groups and are deprived of their rights and assailed and oppressed by others, rather than those who enjoy all kinds of accommodation, and luxury but know no limits, believe in no religion, or God and follow lustfulness.

On this basis, Imām Khomeinī who emphasized the motto of freedom more than any other person, and practically lead a grand nation from the national oppression, dictatorship and the international captivity of the superpowers, toward liberty and freedom, when expressing the motto of freedom, stressed on the logical, rational and systematic freedom and urged people to justice and piety and admonished them against lustfulness, egocentrism and cupidity:

> "And freedom based ■ wisdom, justice, independence and self-sufficiency is not something to go obsolete with the passage of time and along the history of mankind and the social life"[1].

In another instance, his reverence emphasizes this popular and ideal freedom more directly,

> "In the Islamic Republic, no one can impose his opinion upon others, except for the rare cases ■ which Islam and the dignity of the regime are in danger, and that, too, should be decided by the scholarly experts."[2]

The Imām stresses upon freedom ■ an everlasting human ideal, but reminds that it is not ■ boundless freedom of the desires; rather, it is a freedom accompanied by justice, all-encompassing, nationwide and social; the freedom supported by wisdom which ends in independence and self-sufficiency.

On this basis, in many cases he stresses on a system of freedoms rather than freedom, which he has rephrased in different ways. The Imām introduces the Holy Qur'an, Islam, the Imāms, and *Nahj al-Balāghah*, as

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[1] *Imām Khomeinī's Testament*, p. 36

[2] *Ṣaḥīfeh-ye Imām*, vol. 21, p. 21.

bestowals of freedom and insists on the freedom of man from the evil of the Satan and the followers of evil (*taghūtiyān*). In one instance the Imām says, "the Holy Qur'an was sent down from the sacred status of the One (God) to emancipate man from the evil of the devils and the followers of evil"[1] In another instance he says,

> "... the nation... follows ■ religion that wishes to use the Qur'anic truths—as the greatest prescription for the salvation of man—to free man from all the limitations enshrouding his feet, hands, heart and intellect, which drive him toward elimination, annihilation, slavery and servitude of the followers of evil."[2]

Somewhere else he says, "The Master of the Faithful, Imām 'Alī ibn Abī Ṭālib, this God's devotee who is free from all bounds, has the duty to free man from all limitations and slavery." Also he says,

> "The book of *Nahj al-Balāghah*, is the greatest model for the material and spiritual life of man after the Qur'an, and the highest-ranking book for the emancipation of mankind, and its spiritual and governmental directions are the best way of freedom"[3]

Therefore, from the perspective of the Qur'an, the Infallible Imāms and the great men of Islam and Revolution, freedom has criteria, curriculum, and agenda.

The Holy Qur'an states, *"Certainly We sent Our apostles with clear arguments, and sent down with them the Book and the balance that men may conduct themselves with equity"*. It also expresses, *"And the heaven He raised it high, and He made the balance, that you may not be inordinate in respect of the measure. And keep up the balance with equity and do not make the measure deficient;"* for trespassing it cannot be called freedom, but revolt and selfishness. In fact, we should say that freedom has length, width, height, depth, and scope. The depth of freedom has ■■ inverse relation with its scope and expanse; the more encompassing it is and the more individuals it includes, surely the less its depth would be, and the deeper it is, the less people it will encompass and the less scope it will have; it is here where we have to decide whether we want freedom for others or just for ourselves. If we want freedom as a national ideal, then we have to be bound by justice,

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[1] *Imām Khomeinī's Testament*, ■. 23.
[2] *Ibid.*, pp. 24, 25.
[3] *Ibid.*, p. 25.

accept some limitations, and recognize the criteria, measures and standards of freedom. On this basis, besides the motto of freedom, the Imām stresses upon justice and its expansion and introduces Islam in this way:

> "The God of Islam is just; Its Messenger is just and Infallible too. Its Imām is both just and Infallible too. Its judge had better be just. Its jurisprudent had better to be just too. Its witness to a divorce had better be just too. Its communal prayer leader had better be just too. Its Friday prayer leader has to be just too; from the Holy Divine Being downwards."[1]

And sometimes he expresses them together and in combination,

> "Be sure that the interests of the society—such as the spread of justice, curtailment of the oppressive hands, independence and freedom, and the distribution of prosperity based on justice in a practical and objective way—are all regarded in a perfect way in Islam."[2]

Generally we can understand that from the Imām's point of view justice and freedom go together and whosoever wants freedom more than justice, in fact, favors aggression, revolt and oppression, and the nation who has made sacrifices and given martyrs for justice, will stand up against such insensible expectations, because this freedom is against the criteria, measure and framework of justice, and will entail servitude, bondage, or anarchy.

Justice, a nationalistic and religious ideal

One of the important nationalistic ideals is equity or justice, which is not only sought for by our nation but also by the whole humanity, who has been impatiently awaiting the attainment of justice and its rule over the society. All along history, there have been groups or societies suffering from the unjust life and from the oppression by the power-seekers, colonialists, dictators, and superpowers and have been awaiting a reformist, a supreme man, a divine person, to come spread justice in the society. The justice-seeking drive in man and its impact upon his soul as an ideal, a profound motivation, an expensive gem, and a lost property, has been so great that we can say many movements, developments, social and popular revolutions in the history, have formed under the title of justice and seeking the rule of this grand ideal. The scope and expanse of the impact of this motivation in the society and history has been so much that even the dictators and aggressive

[1] *Ṣahifeh-ye Imām*, vol. 2, p. 6.
[2] *Ibid.*, p. 18.

powers, for pulling the wool over the crowd's eyes, have made their efforts to give their actions pretence of justice or to excuse themselves for committing injustice. Therefore, since freedom is a great national and international ideal, it is always accompanied by the grand national and international ideal of justice, which curtails the boundless personal or collective freedoms, and makes freedom available to all, and any form of freedom is only defined beside a kind of justice.

Justice-seeking in the Qur'an

In the Qur'an, not only does God Almighty count justice among the great national and humanistic ideals and one of the goals for the Islamic social life, and the most important goal for the arising of the prophets and divine messengers, and recommends it to man every here and there in the Qur'an to be observed in all the movements and steps of man, but also He invites the Muslims to support and help the justice-seekers and to struggle against their enemies and wage wars against the oppressors. It even reprimands the Muslims for keeping silent, carelessness and not fighting them. *"And what reason has you that you should not fight in the way of Allah and of the weak among the men and women and the children, (of) those who say: Our Lord! Cause us to go forth from this town, whose people are oppressors, and give us from Thee a guardian and give us from Thee a helper."*[1] In this verse, too, justice-seeking means emancipating the oppressed from the unjustness of the oppressors and once more justice is put beside freedom.

In some of the verses of the Qur'an, God deems the conducting of equity and the regulating of the just relationships between people and the members of the society the most important goal and divine cause of all the prophets and apostles in the human societies all along history; and not only as the most important cause that should be established in the society, but also, referring to the iron and warfare, it implies to the Faithful and the Muslims and the pious to fight with the enemies of justice to establish it in the society, and assist God—who is willing for the conducting of equity and the rule of justice in the society—in this task, and give a chance to the oppressed people, who have had a bitter life under the injustice of the powerful, the opulent, and the self-centered, to taste the joy, benefit and advantages of justice and a just life. In another instance it says, *"Certainly We sent Our apostles with clear arguments and sent down with them the Book and the balance so that men may conduct themselves with equity; and We have made the iron,*

[1] *Sūrah an-Nisā'* 4:75.

> getting help in all aspects from divine laws and in which none of the rulers and statesmen of the society has the right to despotism."[1]

Freedom of speech is important for both individuals and political groups and parties. The Imām says on this:

> "The kind of government in our mind is the Islamic Republic, which is based upon Qur'anic verses and whose law is the law of Islam and in which the political groups are free to express their opinions."[2]

Nevertheless, freedom of speech has some limitations which are applied by the government:

> "Freedom does not mean that man is free to say against law whatever pleases him. Freedom should be within the framework of the country's law. The government of Iran is Islamic. The laws of Iran are those of Islam. Within the framework of Islam and the constitution, freedom of speech is allowed."[3]

The Universal Declaration of Human Rights as well emphasizes and asserts the right to freedom of thought, conscience, and religion. Article 18 of the declaration says:

> "Every one has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance". The Islamic Declaration of Human Rights deals with this problem in another way. Article 10 of this declaration asserts: "Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism."[4]

Islam has always recommended the approach of peaceful coexistence and has respected religious freedoms. In Islam's view, while admitting divine religion is a voluntary affair, no one is inspected for his religious beliefs and

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[1] Imām Khomeinī.
[2] *Ṣaḥīfeh-ye Imām*, vol. 4, p. 65.
[3] *Ṣaḥīfeh-ye Imām*, vol. 7, p.274.
[4] See "*The Problems of Human Rights and Public Freedoms in the works of Imām Khomeinī*", thesis, Muḥammad Riḍā Kāwūsī, 1373 AHS, p. 17.

wherein is great violence and advantages to men and that Allah may know who helps Him and His apostles in the secret; surely Allah is Strong, Mighty."[1]

Further to these general statements, God specifically recommends man here and there in the Qur'an to observe justice, to pass rules by justice, to testify with justice, to make peace among themselves with justice, etc, and goes on with this advice as far as obliging the Faithful with observing justice when confronting the enemy.

Therefore, from the Qur'an's point of view, equity and justice are among the most important of the humanistic, national, and religious causes with an exceptional scope. Justice encompasses everything man does especially toward the others and the society. In the Islamic Revolution and the vast popular-religious movement of our people against the national *ṭāghūt* (followers of evil) and the international oppression, for which they made a lot of effort and sacrifice, innumerable martyrs and victims were offered by people to Islam from among their dear children. In fact we can say, in this movement people were more than anything else seeking this great cause, that is justice because not only our nation, among other human societies and sensible and discerning people, called for justice, but also the lofty teachings of the Qur'an and the tradition of the Prophet and Infallible Imāms and their practical way of life had made this great national cause and elevated human value more important than ever. It is also because the history of Shī'ism and its Imāms and leaders is full of *jihād*, martyrdom, and quest for justice. That is why the Grand Leader of the Revolution and the great architect of the Islamic Republic Regime, as a follower of the Qur'an and the Infallible leaders, emphasizes this supreme cause more than any other goal; here we will quote excerpts from his words:

Imām Khomeinī and the ideal of justice

The significant social ideal strongly stressed upon by Imām Khomeinī is social justice. To fulfill and develop social justice serious effort has to be made. In his Testament the Imām says:

> "The Prophet of Islam established a government for expanding the social justice and the rule of Imām 'Alī (*'a*) was motivated by the same thing in a vaster and more emphatic way, which is famous in the history."[2]

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[1] Ḥadīd 57:25.

[2] *Waṣiyyat-nāmeh*, p. 37, *Ṣahifeh-ye Imām*, vol. 21, p. 178.

"Islam [seeks] a moderate regime which recognizes the ownership right and respects it in a controlled way, which can help proprietorship and consumption; something which—if fully implemented—will move the wheel of healthy economy and help establishment of social justice, which is a must for a healthy regime."[1]

In the above words, Islam, as one of our national causes, has been introduced and stressed upon as an introduction for achieving a loftier ideal; that is an Islamic rule that should attempt to establish social justice in the society.

"In fact, the Qur'an, which was to be the greatest agenda for the worldly and afterworld life, till entering 'the Basin [of Kawthar in Paradise]' for all humanity, has been ousted from the social scene, and the divine rule of justice, which used to be and is one of the ideals of this holy book, was totally disregarded."[2]

"This carried on to the extent that the Holy Qur'an, which was sent down by God Almighty to emancipate man from the nuisance of the devils and *ṭāghūt*, and present the world with equity and justice, ...was omitted from the scene in a way as if it had no role in the guidance of man."[3]

"Islam and Islamic rule has the ability to render void the injustice, plundering, corruption, and aggression."[4]

"The implementation of the laws according to equity and justice, and stopping the despotic ones and the expansion of individual and social justice and forbidding corruption and obscene and preventing colonialism, exploitation, and servitude and conducting the society to the codes of rationality, justice, fairness, and many other similar virtues will not go obsolete along human history and social life. Such claim would be just as saying that the logical and mathematical rules should change in the modern times and be replaced by other rules; or saying that although at the time of Genesis there was the need for the social justice to be implemented and oppression, plundering and homicide needed to be prevented, those ways are old ones now in the Age of Atom."[5]

"Now, the rule of justice for the benefit of the oppressed and preventing injustice and the raising of social justice, for fulfillment of which prophets such as David, the Prophet of Islam (*s*) and his honorable apostles have

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[1] *Waṣiyyat-nāmeh*, p. 82, *Ṣahifeh-ye Imām*, vol. 21, p. 200.
[2] *Waṣiyyat-nāmeh*, p. 23.
[3] *Waṣiyyat-nāmeh*, p. 23.
[4] *Ibid.*, p. 33.
[5] *Ibid.*, p. 36.

made their efforts, is one the greatest of all religious obligations, and raising it is one of the loftiest ways of worship."[1]

Some conclusions and points regarding the Imām's words

1. In the first, second and third quotations, the rule rightfully established by the divine leaders has been intended to fulfill the lofty cause of social justice and stop injustice and oppression, has not been of per se.

2. In the second quotation, the government is introduced as a prerequisite for supporting the weak and oppressed, and safeguarding their interests.

3. In the third quotation, he somehow elucidates the meaning of justice and expresses it in line neither with the communist society and the renouncement of the individual proprietorship and communist system, nor with the capitalist system and unlimited ownership; rather, it is compatible with moderation in all aspects. Islam calls for justice but the justice, which does not lead to immobility and backwardness such as in the Communist system. Islam supports growth and development, but one that does not lead to deep social schisms. Therefore, moderation is suitable in all fields.

4. The most interesting of all which most suits our study is that in many cases the Imām, too, has spoken of freedom accompanied by justice, and the reason for this as said before is that these two ideals go together and never part.

The ideal of justice or justice-seeking has such an importance and worth that from the Qur'an's point of view the sending of prophets is intended to establish justice. As the Leader of the revolution says, "The establishment of the Islamic rule aims at the expansion of the social justice". Islam Itself is the prelude to the implementation of justice and the Qur'an's ideal is to establish the divine rule of justice. So, justice is the most profound ideal and the most deeply rooted religious motivation, which determines all acts and the different social aspects of religion. Therefore, freedom needs to flow on the bedrock of justice so to be able to gain in inclusiveness and scope and to be presented as a national cause and not to be limited to a small personal and factional want: this is because if it is not restricted by justice, not only it cannot be a national motto and an inclusive human cause, it will be reduced to the limited factional freedoms, which will be followed by vast corruption, such as anarchy, revolt, despotism and dictatorship, corruption and collapse, too. On this basis, the Imām emphasizes the sacred religious freedom, rather than the freedom as interpreted and analyzed by the rebellious (against God).

[1] *Ibid.*, p. 38.

the arrogant, and the adversary of God's religion, or the freedom that stands up against religion. An example is when he says,

> "Why is the world silent with those who do not allow Muslim girls to freely wear Islamic veil at the university or to teach or learn? Is the reason not that the interpretation of freedom and its usage is in possession of those who are against sacred freedom?!"[1]

The concept of justice

So far, by referring to the verses of the Qur'an and the words of the great Leader of the Revolution which originate in the Qur'an and the traditions of the Infallible Imāms and in his accurate understanding of the national ideals and exact familiarity with the Islamic society and its rightful expectations, we have found out that justice is one of our important and inclusive ideals which has played a profound, vast and all-encompassing role in the development of the Islamic Revolution.

Now our question concerns the meaning of justice; what does justice mean and what is its content? Imām 'Alī (*'a*) answering the reporter's [of this verbal tradition] question as "Which one is worthier, justice or generosity?" states, "justice puts everything in the rightful place and generosity sends them out of their course; and justice is a public matter but generosity is private, so justice is worthier and better."[2] So, he introduces justice worthier than generosity based on two reasons. We will later explain the words of Imām 'Alī (*'a*) and here we mention that in the lexicon '*adl*' means fairness, moderation, equality between two entities, judging according to rightfulness, equality in punishment, and fair for fair and foul for foul. Rāghib Iṣfahānī in his *Mufradāt* says, "The words '*al-'idālah*' and '*al-mu'ādilah*' convey the meaning of equality."[3] 'Allāmah Ṭabāṭabā'ī, elucidating the Qur'anic verse, "*Verily Allah enjoins to justice*" in one instance says,

> "Justice is a goodness and virtue which cleanses the self and expand to others; it means to follow the middle course in actions and to avoid the extremes. So in fact the enjoining to justice is needed so to expand the goodness from a person's self to his actions so that he will have moderation in his deeds, then it is needed to expand from his deeds to the other people's

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[1] *Ṣahīfeh-ye Imām*, vol. 21, p. 109.
[2] *Nahj al-Balāghah, Pithy Aphorisms*, [illegible]. 437
[3] Rāghib Iṣfahānī, *al-Mufradāt fi Gharīb al-Qur'an*

deeds. Therefore, he enjoins them to justice, that is, as I understand, to avoid any extremes; any good action follows practice of justice."[1]

In another instance he says,

"In fact *'adl* is the need for moderation and avoiding the two extreme sides in all affairs, and it is a piece of exegesis whose meaning needs further elucidation. In fact, *'adl* means the making of equality and balance between things in a way that everything receives the share it deserves and is placed where it deserves to be. And *'adl* in the beliefs is to believe in what is the truth. And justice in action per se is that one does what his salvation lies in and avoids what his wretchedness lies in because of following his selfish desires. And justice among people is to place everything where they deserve in terms of wisdom, religious law, norms; to reward the good-doer for their good deeds and to punish the evil-doer for his evil deed; and to claim back the oppressed ones, rights from the oppressor and not to make any discrimination and exceptions in implementing the justice."[2]

The jurisprudential *'adl* or *'adl* in the jurisprudential terminology is to avoid the cardial sins and not to be persistent in doing the minor sins; it means to refrain from low and unfair deeds; and also it is a quality of the self which stops man from committing the major and minor sins.[3] 'Allāmah Ṭabāṭabā'ī says,

"It is obvious that the religious society, since it is a religious one, will not be satisfied with its members and individuals unless they are bound over certain codes and behaviors, which would win people's religious trust; and this is termed in jurisprudence 'the virtue of *'adl*' which is different from the 'trait of *'adl*' used in ethics." Then he goes on saying, "'*adl* for the jurisprudent is a personal quality, which prevents one from committing the cardial sins, as believed by the majority, and in the ethics it is a trait which is based on the truth."[4]

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[1] *Al-Mīzān*, vol. 13, pp. 301, 302
[2] *Ibid.*, vol. 12, p. 331.
[3] Imām Khomeinī, "*Taḥrīr al-Wasīlah*", vol. 1, p. 259; *Jawāhir al-Kalām*, vol. 13, from p. 275.
[4] *Al-Mīzān*, vol. 6, p. 206.

'Adl in the divine philosophy has its own definition. In this field, *'adl* is one of the attributes of God…through which the whole cosmos and existence is set in order; He has created everything in harmony and does not disregard the right of any creatures; and He gives everyone what they deserve.[1]

Any way, *'adl* or *'idalat* has different equivalents in jurisprudence, ethics, and in theology [*kalām*], just as it has different classifications, too. In one classification, it is categorized into the individual and social justices, of which the social justice is in the spotlight in this article, and here we will first define the social justice, and then we will express its denotations, details, philosophical and jurisprudential origins.

What is social justice?

Plato says, "Social justice means that each person is employed in the society for the job he best fits in and is able to do it better than others." Aristotle believes that "Justice means following the social rules."[2]

Some of the Muslim philosophers and thinkers have so defined justice, "Justice is that everything is placed in its suitable and original position." This definition can be, as well, understood from the verbal traditions, as Imām 'Alī (*'a*) states, "Justice is placing any entity in its own place."[3] Of course, this is a broad definition, which includes both individual and social justice because it also comprises the divine justice, at which God has created everything in proportion and placed them in proper positions, and the cosmos is set in order based on His justice. Besides, it includes the social justice too.

Some others have said that justice is that everybody's rights are fulfilled and anyone obtains his right. 'Allāmah Ṭabāṭabā'ī defines justice in more detail; he says social justice is that each member of the society is treated as they deserve, and each gets the status they deserve. Elucidating on the verse *"Verily God enjoins to justice and kindness,"*[4] he states,

> "In this verse He is ordering to a social trait to the religiously obliged; that is God Almighty commands every member of the society to observe justice. The prerequisite to this generalization is that this is an instruction for the societal entities too, and the society is also obliged with the establishment of

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[1] Murtaḍā Muṭahharī, *'Adl-e Ilāhī* [Divine Justice], p. 23.
[2] Adopted from "*Darāmadī bar Ḥuquq-e Islāmī*", The Bureau for Cooperation between the Seminaries and the Universities, p. 193, quoted from Plato.
[3] *Nahj al-Balāghah, Pithy Aphorisms*, No. 437.
[4] *Sūrah an-Naḥl* 16: 90.

justice; and the government which is responsible for the social affairs and organization of the society, establishes the social justice."[1]

Any way, social justice has a variety of reflections, effects, and signs, and presenting a comprehensive definition for it is very difficult, as this deficiency is conspicuous in all of the definitions for justice, including the one by 'Allāmah Ṭabāṭabā'ī. Therefore, instead of a definition, we will hint at its significant aspects:

1. Social justice is that everything is at its suitable and proper position and each member of the society is employed at what he can do better than anything else, as stated in both the verbal traditions, and as the Muslim and non-Muslim thinkers have alluded to it.

2. Social justice has an original and basic association with the righteousness and means that everyone's right is observed.

3. Social justice is connected with the psyche and soul of the individuals. They should be brought up so to observe the others' rights, and observe the society's right by choosing a proper job and a better and more suitable occupation.

4. Still other feature of the social justice is its generality, its comprehensiveness and its consideration for the society; that is, in justice, the interests of all of the society members are safeguarded at the same time, and with a comprehensive and all-inclusive view and the observance of the status and situation of all the society members, the society as a whole, its identity, or even having an eye on the relationship of man and the society and with the other creatures and aspects of the nature. And maybe this is the reason why Imām 'Alī (*'a*) states, "Justice belongs to the public."[2] And maybe the thinkers who "see justice equal to legality" or have defined justice as "an obligatory principle and regulation," have intended to imply comprehensive nature of justice.

5. Inevitably, social justice will have a vast reflection in the social rules, and despite the fact that some western thinkers consider justice the same as legality, we should say that a social law or order may not be just. Therefore, the efforts should be on the dominance of just laws in the society. The just laws are ones that signify the rights of each member of the society in which each individual, group, trade, institution, or foundation receives their rights. Of course, here giving a 'right' means to observe, justify and lawfully give a right.

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[1] *Al-Mīzān*, vol. 12, p. 332.
[2] *Nahj al-Balāghah*, *Pithy Aphorisms*, no. 437.

6. From another perspective, no matter how just or fair a law may be, if the executors of that law are usurpers, there will surely be problems. Therefore, the social justice is associated with the soul and psyche of the individuals, but at the same time it has a certain impression and reflection in the different departments and the ruling powers and makes them implement the laws justly and judge with justness and make the right accessible to deserve people, an aspect much stressed upon by the Qur'an.

7. Of course, further to what we have said, the social justice will have its own manifestation in the economic, political, social, and familial conditions, but in this article the economic aspect is more emphasized.

In his words and statements, Imām Khomeinī has pointed to the various sides of justice. Regarding the justness of the executors and authorities and all somehow in connection with Islam he states,

> "The God of Islam is just; its prophet is just and infallible; its Imāms are just and infallible; its judges need to be just; its jurisprudents need to be just; its witnesses to a divorce need to be just; its communal and Friday prayer leaders need to be just; all from the Holy Divine Being downwards."[1]

In another instance he states,

> "For the implementation of justice... if a layman had a claim against the first person of the country, he would go to the judge; the judge would summon the first person and he would come."

These and many of his other words on the different aspects of justice are innumerable and countless.

In any way, the major conclusion we will have here is that freedom and justice are two inseparable national ideals; in a way that if there is no freedom, there will be no justice, and if there is no justice, freedom will turn into ■ national ideal, which cannot be fulfilled.

The mutual relation between freedom and justice

According to what was said, we can understand the major difference between the natural and legislative freedoms which is our theme. The natural freedom within the boundaries of our volition does not necessarily mean the lawfulness of what we choose and it can be religiously lawful or unlawful.

[1] *Ṣaḥīfeh-ye Imām*, vol. 2, p. 6.

but within the legislative freedom any of the choices we make will be legal; that is, it will have no consequences or reprimand. The reason for this difference is that the sphere of legislative freedom is more limited than that of the natural freedom, and it has a clear and certain boundary; and basically the correlation between freedom and justice refers to the same limitation. Therefore, when discussing freedom, its limitations and restrictions should be clearer than freedom itself. Although the boundaries of freedom are determined by justice, first, the limitations of freedom should be described more clearly; and secondly, its legal and legislative denotations in the real world should be made clarified since justice is an abstract and general concept and it can be interpreted by different people within the framework of their own taste, view, or interests.

Evidently, when describing the limitations of freedom, the democratic systems only emphasize the observance of others' rights and respect for the boundaries of the freedom of the others. That is, from this point of view, the freedom of the members of the society limit one another and evidently consider the will of the majority or the laws passed according to the majority's will, as the criteria for the limitations on freedom.

Therefore, from this perspective, firstly, the only limitation on freedom is the freedom of others; secondly, the law that denotes this limitation is based on the majority's will. This view has its own deficiencies, both regarding the limits of freedom and the laws on freedom.

a. The limitations of freedom

Man's freedom in the social life is limited by the observance for the rights and freedoms of others, and this is one of the clear aspects of freedom which means giving everyone their rights.

Man's providence would limit his freedom even more. Therefore, even if we suppose that a person does not live in the society and is not in touch with the rights and freedoms of the others, still both his intrinsic and natural freedoms will be restricted because of his farsightedness. And man who is rationally and intrinsically in search of a better future would limit his current freedoms, and his freedom would be directed and limited by his long-term objectives. Farsightedness is not restricted to spiritual and moral affairs; rather, he needs to restrict his present freedom for material considerations and for making a better life. But surely, regarding the farsightedness of man, the spiritual and moral aspects have a prominent value and worth which distinguish them from the other aspects of man's providence and farsightedness. Therefore, in the intrinsic freedom, man can do anything enjoyable, but further to the

social restrictions and limitations and the rights of the others, man's farsightedness, especially the spiritual goals and values and the sane moral concerns will curb his freedoms according to wisdom because what is better and more enduring is more desirable to man and he is rationally more inclined to acquire and receive it. As God says in the Qur'an, *"And the afterworld is better and more enduring,"* in fact, He is paying attention to the same natural propensity of man toward what is better and more enduring, and He denotes the afterworld as the better and more enduring so to designate the correct direction and way of life using this propensity, and to attract man to spirituality. Therefore, man's intrinsic freedom is not restricted only by one limitation rather three constraints can be observed: 1) Freedom and the rights of others; 2. the farsightedness in his material life; and 3. the spiritual goals, values and the correct moral considerations.

b. The law of freedom

Regarding the second point, the positivist schools and proponents of democracy believe that the democratic law, which is a manmade one created by the majority, can determine the limitations on each person's freedoms. The problem with this idea seems to be that determining the rights and the limits of freedom is only one of the two possibilities: either it can be done through the guardianship, or through finding the real expediencies and criteria, neither of which is possible within the transitory human law. As an explanation, we should say that determining the rights and boundaries of freedom of the members of the society in a correct and exact way is possible through one of the following two ways: either through the exertion of guardianship and determining the one who has dominance through guardianship (*wilāyat*) over people, and people obey him; or to determine the rights and boundaries of freedom of the members of the society ■ called for by the real expediencies through discerning the truth and justice and the real expediency of the individual and society, and to formulate them in the form of social laws. Therefore, we can clearly conclude that determining the rights of the members of the society and the boundaries of their freedom is not possible by man and human lawmakers because no man, either among the minority or the majority, whether ruling or not, automatically, has any governance over others—a fact admitted by the proponents of the democratic systems more than any other. Determination of the rights through exertion of authority is not possible for men because authority suits someone who ■ the owner of the being and the master of others, rather than the men who are at the same level, need to beg for the blessings of God and have no supremacy

the individuals having beliefs against Islam are treated with tolerance. On the peaceful behavior with non-Islamic religions, the Imām says:

> "All groups should be treated conveniently. It means that Islam treats its enemies with tolerance. Islam wants all redundent human beings to be prosperous and to be treated in friendly manner and conveniently, even those who do not believe in Islam."[1]

On the freedom of religions and religious minorities, Imām Khomeinī says:

> "Islamic government is indeed a democratic government. Religious minorities are quite free and every one can express his own ideas. All the religious minorities are respected in Islam and they all have necessary freedom for carrying out their religious duties."[2]

Since the minorities are part of our nation, they are entitled, like all individuals, to enjoy social rights and kind of religion plays no role in their enjoying from the most essential social rights.

One clear characteristic of popular government is the selection of the persons in charge of the political posts by people themselves. The right to take part in the elections for the purpose of self-determination is in itself one of the most important examples of human rights. Any political system which deprives its people from potential right of self determination, actually destroys the foundation of human dignity and threatens the social justice. That the right to take part in the elections is regarded important is because of the fact that firstly people have social lives as well, and secondly, even the best and just political systems cannot achieve their aims without the public support of the people and the use of their political presence.

Imām holds taking part in the elections a religious and reasonable right and abstaining from a "against duty": "One important religious and reasonable duty of ours for the protection of Islam is taking part in the elections and voting."[3] Putting such an obligation on the shoulders of the individuals can be accounted for thus: any Muslim should feel responsible toward his society, and hold political activity an inseparable part of the total activities of his life. The Imām's belief in freedom, not found in any other theory or school particularly in the modern ones, is the pinnacle of

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[1] *Ṣaḥīfeh-ye Imām*, vol. 7, p. 235.
[2] *Ṣaḥīfeh-ye Imām*, vol. 5, p. 424.
[3] *Ṣaḥīfeh-ye Imām*, vol. 18, p. 232.

over one another to exert authority over one another and be obeyed. And since man—either among the majority or the minority, either ruling or being ruled—on the one hand suffers from perceptual limitations and on the other hand, because of the complicated relationships, variety of his individual, social, material and spiritual abilities and needs, discerning the expediencies and real criteria—which can form an exact underpinning for the determination of the rights and the boundaries of freedom—is not possible for him. To explain more we can say that man's perception is naturally restricted in terms of time and space, and he cannot perceive many of the facts; thus, he is prone to mistakes and forgetfulness and susceptible to its own especial interests. Therefore, without the guidance of the divine revelation (*Wahy*), he is not qualified for lawmaking and is not able to determine the exact boundaries of individual freedom. Therefore, the democratic system, which replaces God with a group of men and confides human lawmaking with the determining the rights and the boundaries of freedom, has no firm foundations, so the freedom it propagates is no less harmful that dictatorship because it has not been shaped according to the real expediency and criteria of the individual and the society and might end in chaos and immorality. On this basis the Imām states,

> "we should all know that the western freedom which causes decadence to the youth, the girls and the boys, is condemned from the Islamic perspective, and the propaganda, the articles, the speeches, the books and magazines which disregard the Islamic and moral code and are against the expediency of the country are religiously forbidden. It is an obligation upon us all, and upon all the Muslims, to stop them."[1]

Now, having the above points in mind, and the point that human beings lack the conditions and qualification for lawmaking, some major deficiencies in the human systems and the law of democracy is listed below:

1. The positivist schools believe the boundary of freedom to be what is expressed in the democratic systems based on the majority's will. But, regarding the exposition of man to his personal, collective, and class interests, it is possible that in such laws, the rights and freedom of all individuals, groups and classes are not fairly observed and not all of the members of the society attain the legislative freedom which is their real right.

2. Since they believe the will of the majority to be absolute, and introduce it as the basis for the creditability of the law. There is always the

[1] *Ibid.*, vol. 3, p. 84.

possibility that the majority would make laws under the impact of superficial tendencies and attractions, which can endanger the future of the society and practically do harm to it.

3. Since one of the conditions for lawmaking is a complete knowledge of man—in all his material, spiritual, individual and social dimensions, and with all of his propensities, needs and faculties—and man (majority or minority) lacks such a comprehensive and profound knowledge of the human being and of the society, there is no doubt that human lawmakers may disregard the spiritual aspects and the right moral codes because of their ignorance of the complicated truth of man, and endanger his future, spirituality and morality by a mistakenly determining the boundaries of freedom.

4. If the will of the majority is absolutely made the criteria for lawmaking, it would be impossible in some cases to make peace between the moralities and the law approved by the majority. That is because in that case there is nothing, which would force the majority to observe the moral codes in their wills and the majority may make a law that would initiate the moral decadence of the society. Of course if democracy is meant to be within the framework of the Islamic principles and values, and within the system of the Islamic Republic, and if it safeguards its absolute principles and values, as practiced by some of the pious ones, it is not prone to criticism. Basically, the establishment of Islamic Republic system has been supported by the people's vote.

Summary and conclusion

There is no doubt that God has created man naturally free, but what is important is that the limitations and exceptions of this freedom and the legislative freedom need to be known; a subject that is summed up in the observance of the rights of the others, the future of the individual and society, and the spiritual goals and moral considerations. Human beings are not qualified to make laws and to determine the exact boundaries of freedom. It is justice, which determines the limits of freedom, but since justice is a general concept, it cannot solve the problem, except when it is applied to the certain real world denotations and laws of conduct. Besides, although the tendency toward justice is universal, there are differences regarding its denotations among human societies; at the same time every one believes his own practices to be the model of justice; even people such as Hitler and Saddam have claims for justice. Therefore, we can say that determining the denotation of justice and the just law is only possible by God who is both familiar with man's needs, rights and the material, spiritual and moral aspects

of man, and is concerned with nothing but the individual and social interests of man, and is not susceptible to the personal interests and commits no mistakes or forgetfulness. Therefore, the only just law which can exactly determine the boundaries of freedom is the religion of Islam, which has been sent by God via His Messenger for the administration of the society and the evolutionary motion of man. The Imām, too, introduces the Islamic law as the only denotation of justice,

> "Be sure that what is expedient for the society—for the expansion of justice or doing away with oppression, acquiring independence and freedom, the economic affairs, and balancing of prosperity according to justice—in a practical and realistic way is found completely in Islam."[1]

And in another message he says,

> "Keep your Islamic movement going so that, God willing, the grip of the plunderers of your rights and the rest of the nation would be cut short, and we would enjoy the real justice and the divine endowments through the Islamic rules."[2]

And in his interview with the Figaro reporter, he stated, "Understanding the original Islam will direct us toward the development of a society replete with the human faculties, piety and social justice."[3] In another instant he states, "The social justice and the programs implemented by Islam is expedient for all the social classes."[4]

The Imām, His Eminence, has hinted at this subtle point that "Knowing the genuine Islam can lead us to the social justice and the exact limits of freedom." However, our misconceptions and misunderstandings in appreciation of the Islamic laws may cause problems many of which can be explained through consultation and conversing with the sympathetic pious men of thought, idea and expertise.

The Imām, His Eminence, believes the survival of Iran at the international and national levels is only possible via Islamic rule, and he has always emphasized that,

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[1] *Ibid.*, vol. 2, p. 18.
[2] *Ibid.*, vol. 2, p. 18.
[3] *Ibid.*, p. 115.
[4] *Ibid.*, p. 159.

"The Iranian nation is Muslim and wish for Islam; the Islam which safeguards freedom and independence, liberates the nation from the aliens' grip, eliminates the bases of injustice and corruption... it is a duty for all Muslims to say and to write in defense of the dear Islam, and to save its life-inspiring laws which safeguard independence and liberty."[1]

Also he states,

"Islam is the origin of all freedoms and all independences... we say do not be a slave to others. you are Islamic governments keep your dignity, safeguard the independence and forsake subservience."[2]

Elsewhere he maintains, "The glorious history of Islam is the inventor of justice, freedom, and personal and social growth."[3] That is why the Imām always emphasized safeguarding and saving of Islam, and warned people about the threats toward Islam and the bases and tenets of Islam: "The oppressing regime intends to alter the principal laws of Islam."[4] He also says,

"Now my advice to the Islamic consultative assembly (Majlis), the president, the Guardians Council, the judiciary council, and the governments of any period is not to let the news agencies, the press, the magazines go astray from the way of Islam and national interests. And we should all know that the western-style freedom would cause corruption among the youth, the girls and the boys."[5]

While he stated that the gate to *ijtihād* (making novel jurisprudential decisions through deliberation in religious ideas) should be open and no one can impose his own choice on others, he deems the unity in action to be practically necessary for the society and stresses upon the expediency of safeguarding the regime:

"In the Islamic Republic no one can impose his opinion on others. except for rare occasions when Islam or the dignity of the system is endangered: occasions which will be decided by the knowledgeable experts."[6]

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[1] *Ibid.*, vol. 3, p. 84

[2] *Ibid.*, vol. 1, p. 250.

[3] *Ibid.*, p. 68.

[4] *Ibid.*, p. 253.

[5] *Ibid.*, vol. 1, p. 49

[6] *Ibid.*, vol. 21, p. 195

And he says,

"Under the Islamic rule, the gate to *ijtihād* should be always open and the nature of the Revolution and the regime always calls for the free expression of the *ijtihādī*-jurisprudential ideas in different fields, even if those are opposite ideas even the ones against the government, and no one should be able and have the right to stop them. But its prerequisite is an accurate knowledge of the government and the society, based on which the Islamic regime is able to manage the society for the good of the Muslims, for unity in the actions which is absolutely necessary."[1]

In another instance he states,

"As long as these differences and partiality exist in the above [minor] issues, no misgivings may threat the Revolution; if the disparity becomes fundamental and basic, it will impair the regime."[2]

With regards to the above words, it can be understood that from the Imām's point of view, safeguarding the regime is one of the most important obligations, and everybody should make their ultimate effort for this purpose. Therefore, that is why whenever he expresses a kind of freedom he also mentions its limitations. On the one hand, he states that all should be free in their opinion and no one is to impose their opinion on others; one the other hand, he immediately expresses this exception, "Unless Islam and its dignity is in danger." In the other case, he believes the gateway to *ijtihād* needs to be open so that no one can close it down; and at the same time he says that the foundation of the government is conformity and unity in actions, and the society should not be drawn toward chaos. This is a fact expressed by he jurists regarding the difference between rule and *fatwā* (creed). It is free to issue a *fatwā*, but a rule should be practically performed and everybody, even those who are against it in their ideas have to accept it in practice, or there will be no government and no society. He deems the differences and political side-takings of no harm to the Revolution, provided that they are within the boundaries of the principles and do not threat the bases and foundation of the system, and are not intended to overthrow it, or do not end up in the renunciation of the religious basics because if in the disputes the principal boundaries agreed upon by all groups are not observed as the framework, it

[1] *Ibid.*, p. 47.
[2] *Ibid.*, p. 47.

will lead to the weakness of the regime—a state never acceptable to the Leader of the Revolution.

13

Equality between Men and Women According to Qur'an

Ashraf Jannati

In addition to being in need of various teachings, laws and programs for growth, the human societies are in need of instructors and teachers for making perfection. In the course of human societies' movements, there should be teachers, as life models, for the societies to follow in attitude and for the members of the societies to model themselves [illegible] them. Human communities have never been void of these models.

Since education, in addition to theoretical aspect, should have practical aspects, coming to know the models and educators in training the human societies is of great importance and has a significant effect on educating individuals. Throughout human history various schools have introduced different thoughts and ideas and a multitude of educational models to follow however, none has been able to introduce, as satisfactorily as divine schools has, to the individuals appropriate models concordant and harmonious with human nature and temperament. In non-divine educational models, numerous aspects of human character are usually overlooked and their attitudes have been in two extreme ends, while divine educational models have been away from the two extremes, attending to all aspects of human character.

Her Eminence, Fāṭimah Zahrā- may Gods' peace be upon her - as a model

Within the era of the Islamic Revolution, the concept of "the Muslim woman" was revived through Fāṭimah, may God's peace be upon her. In her life and in all fields the Muslim woman has accepted Fāṭimah (*'a*) as her model. The late Imām said, "The model is Her Eminencce, Fāṭimah (*'a*)"[1]. The supreme leader of the Revolution says,

> "Fāṭimah Zahrā is the best genuine model for the Muslim woman, preachers, and thinkers as well as the scholars should portray and illuminate fully all dimensions of the character of this great lady of the creation through their expressions and writings"[2].

It should be known that as a representation and a model Her Eminence, Fāṭimah Zahrā (*'a*) is an unlimited and unbounded source for identifying the values of a perfect human being. All real perfections are concentrated and are present in this model. All judgments and assumptions of one or several generations and centuries cannot bring out perfect understanding of her character. Accordingly, it is necessary to research continuously on the life and dimensions of this perfect truth, the Lady of the two worlds, so that human beings can come more fully to know this limitless source of perfection and use this understanding for the purpose of guiding the generations.

A point

The point is that the Islamic society has seen so far three types of woman; traditional women, sanctimonious women and westernized women. Giving a picture of the personality model of her Eminence, Fāṭimah Zahrā (*'a*) to the women, the Imām showed in his speeches and advices to women the right path of material and spiritual lives while he believed that all the way traditional, westernized and sanctimonious women took is wrong and deviant. He made Muslim women understand that the right path in the society to be taken is the path of Her Eminence, Fāṭimah Zahrā (*'a*), which shares no similarity with those of traditional, westernized and sanctimonious women of the society. The features of her life are totally different from those of the women mentioned.

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[1] *Ṣaḥīfeh-ye Imām*, vol. 7, p. 17

[2] Āyatullāh Khāmene'ī, quoted from *Zan-e Rūz* Journal Issue 1528, 1374, p. 4.

The difference between Fāṭimah Zahrā and traditional women

Throughout her life her Eminence, Fāṭimah Zahrā (*'a*), was not like the traditional women who follow constantly the current state of affairs, showing no change to the new events even though the events are concordant with the divine values. Whenever a change happened in the society and its new consequences appeared, she would make herself concordant and committed to it if she found it in accordance with the sublime values and moral conventions. It is therefore said in history that she was responsive to the men's questions, delivered speeches in gatherings of men for restoring rights, participated in different wars for the purpose of supporting Islam and expressed to people moral and social problems and religious issues on different occasions.[1]

The difference between Fāṭimah Zahrā (*'a*) and the sanctimonious women

Fāṭimah Zahrā (*'a*) was not, like sanctimonious women, involved in shallow and trivial problems and always keeping away from them. She was in all aspects and dimensions of her life in search of real issues which were in accordance with the spiritual values and moral criteria. Her Excellency, Fāṭimah Zahrā (*'a*), was quite conscious of the depth of issues and based on her information and knowledge of different issues, she determined her own plans in life. For instance; in the year 11th after the Hijra, she publicly interfered with the political issues of the day due to her deep understanding and complete perceptiveness of the problems which had arisen after the heavenly departure of the Holy Prophet. In course of Fadak problem she rose up and made people aware of the realities through her lucid speeches. In the atmosphere dominating Medina at that time she delivered a speech[2] in the mosque among the *Muhājirīn* (Emigrant; early converts who migrated with the prophet to Medina from Mecca) and *Anṣār* (the titles for the disciples of the prophet) and impressed those present in the meeting.

The difference between Fāṭimah Zahrā ('a) and the westernized women.

Fāṭimah Zahrā was not, like the westernized women, the unquestioning follower of the changes and new occurrences of the society. She harmonized different aspects of her life with the new happenings of that day only in case they were concordant with the religious values. It is therefore on every Muslim woman who sees this great lady as her model to recognize, like

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[1] *Zan-e Rūz* Journal, No. 1580, p. 40. Quoted from *Safinah al-Bihār*

[2] *Zan-e Rūz* Journal, No. 1580, P. 40, quoted from *Safinah al-Bihār*

democracy and is indicative of his sublime views on Islam and human rights as well as their cooperation in self determination.

B. Equality

Equality is a principle through which the citizens demand their rights. By reference to such factors as the difference in individuals' insight, their origin, education, knowledge and the fact that individuals are not equal in potentialities, the opponents of principle of equality have always stressed the differences among human beings.

In contrast, defenders of equality bring reason that despite having personal differences, human beings are equal in that they are human beings and, hence, they should be given equal respect, dignity, equal and common rights as for the following aspects at least:

1. Political equality: equality in selecting and voting, that is, an individual has only one vote and the individual are equal in being elected.

2. Legal equality: all are equal before law, enjoying equal rights.

Equality before law is another element of human rights. Article 1 of the Universal Declaration affirms: "All individuals are born free and equal in dignity and rights". Article 7 of this declaration says: "All are equal before the law and are entitled without any discrimination to equal protection of the law."

Equality before law is originated from general equality in creation of the human beings. Human beings are not created differently and such factors as race, sex, nationality, religion and beliefs, political leanings and social achievements are not factors to cause discrimination in enforcing law among people. Equality before the law is, as a result, among international obligations irrespective of sex, race, religion, and so on.

The origin and starting point of human rights and relations is, therefore, common earth and this problem has caused human rights to be equal and mutual in all aspects and layers of society. In Imām Khomeinī's words it is said: "In Islam there is no difference between the individuals. All people are equal, all are equal in rights."[1]

In the Islamic Republic of Iran's constitution, there is much emphasis on the provision of all rights for the individuals, whether man or woman, as well as that of just judicial security for all and equality of all individuals before the law. Islam as well believes in the equality of men and women but unlike western views or international documents of human rights, it does not hold

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[1] *Ṣaḥīfeh-ye Imām*, vol. 6, p. 262.

Fāṭimah Zahrā, her own place in the Islamic system, which provides the ground for her growth and development, harmonize her life with moral and religious values, keep away from the vices and the deeds against the religious laws and, like men, be on the political, economic, social, artistic and cultural scenes. The Muslim woman should also know that in Islam men have no priorities over women in dealing with the mentioned above.

Equality between men and women in the Holy Qur'an

There is no doubt that in the holy Qur'an woman, in economic, political, scientific, cultural and artistic aspects, is regarded similar to man and of the same status as his; hence, her dignity and honor is consolidated and strengthened. The privilege, which was given to men before Islam, the priority of the superior over the inferior, the privilege of master over slaves were by then changed the ground was provided for them to enjoy all aspects of life with [illegible] priority for men. The women entered, as men did, into different aspects of religious, material, and economic life, and took over social, scientific, law, cultural and art responsibilities. The holy Qur'an esteemed the women's efforts, like men's, in different aspects of life and said, "*I will not waste a work of a worker among you whether male or female, the one of you being from the other.*"[1] and "*and whoever does good deeds whether male or female and he or (she) is a believer- these shall enter the garden and they shall not be dealt with unjustly a jot.*"[2] Also, "*whoever does good deeds whether male or female and he is a believer, We will most certainly make them live a happy life and We most certainly give them their reward for the best of what they did.*"[3]

"*And whoever desires the Hereafter and strives for it, as he ought to strive, and he is a believer; (as for) these, their striving shall surely be accepted.*"[4]

The holy Qur'an holds women responsible as men for what they do. The Holy Qur'an says on this: "*whoever does well, it is for his own soul and whoever does evil it is against it and your Lord is not in the least unjust to the servants.*"[5]

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[1] *Sūrah Āl-e 'Imrān* 3:194.
[2] *Surah an-Nisā'* 4:124
[3] *Sūrah an-Nahl* 16:97.
[4] *Sūrah al-Isrā'* 17:19
[5] *Sūrah Fuṣṣilat* 41:471.

Men and women are both accountable for what they do, and Islam considers them responsible for their own deeds. This verse clearly expresses this concept "*Every soul is held in pledge for what it earns.*"[1]

Woman and economic activities

According to the Holy Qur'an, women can, like men, be active and possess any thing they may achieve through making efforts as in like manner men do. On this, the Holy Qur'an says, "*Men shall have the benefit of what they earn and women shall have the benefit of what they earn.*"[2] Believing in no difference between men and women in this regard, Qur'an says, "*For it is (the benefit of) what it has earned and upon it, (the evil of) what it has wrought.*"[3]

Based on the Islamic and Qur'anic laws, human beings are owners of the properties they have gained through working and making effort. In this regard, God has recognized no difference between men and women. According to the Islamic economic laws, the woman can participate in economic activities, both in public and private sectors, and endeavor for the purpose of increasing the country's production and provide comfortable life for her own and for others freely observing the limitations. She can also resolve economic difficulties and problems and lead human beings toward true goal, that is, perfection and approximation to God.

Elsewhere in another verse God depicts best way the equality between men and women, saying, "*They are an apparel for you and you are an apparel for them.*"[4]

The only point of privilege for the human beings is piety

God made piety the criterion of value and touchstone of evaluation of human beings and has made it the cause of one's superiority while has introduced as the most precious those who keep away from vices and delinquencies and step in God's path, be it a man or woman.

On this, the Qur'an says, "*O you people! Surely We have created you of a male and female and made you nations and so that you may know each other; surely the most honorable of you with Allah, is the pious.*"[5]

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[1] *Sūrah al-Muddasir* 74:38.
[2] *Sūrah an-Nisā'* 4: 32.
[3] *Sūrah al-Baqarah* 2:286.
[4] *Sūrah al-Baqarah* 2:187
[5] *Sūrah al-Ḥujurāt* 49:13.

God then knows piety the cause of superiority and esteems it only. Piety is, therefore, a value for anyone, man or woman. From Islam's point of view, woman can, like man, enjoy all the benefits of life and take over social responsibilities since; according to Islam, these two have no difference. They are both free and should be held responsible for their own good and bad deeds.

Imām Khomeinī's words

Imām Khomeinī says,

> "Islam believes that women like men can get involved in all aspects of life; they [illegible] free, as men are free; God has created you benevolently, God has created you free"[1].

He also says,

> "As men's rights matter [illegible] Islam, women's also matter; the women are more favored compared with men"[1]. "In human rights, there is no difference between men and women because they are both human beings…"[2].

Woman's enjoyment of safety after Islam

Under laws of Islamic society, woman achieved the opportunity of enjoying the gift of full comfort and security while before Islam she had, in man's home, a deplorable and pathetic state. Islam dedicated to woman the right of living, the right of welfare and comfort, the right of education, the right of ownership, the right of receiving pay in return for work, the right to sue man, the right to defend her own rights and the right to participate in social affairs, etc. Islam gave [illegible] priority in the above mentioned issues to men over women. That is why it is said that the human life's bird possesses two wings; one is man, the other is the woman and that without these two wings one cannot fly toward growth and perfection in material and spiritual lives alike. Man and woman are therefore two bases of human societies, which form one social unit of practical uses which [illegible] led toward perfection by them.

It should be said that depriving women from enjoying social responsibilities is an injustice toward human society. Of course, due to the

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[1] *Sahīfeh-ye Imām*, vol. 5, p. 221

[2] *Sahīfeh-ye Imām*, vol. 3, p. 49

differences in the way they are created, there are differences in men's and women's responsibilities, which they are to observe.

Imām Khomeinī's words

The Imām says,

> "There are differences between men and women in some cases which have no relevance to their human respectability. Women are entitled to do things, which are not against their own dignity and honor"[1].

It is promising that today in the Islamic system, the Muslim Women, like men, are free in selecting their own responsibilities. Trusting their own power, merits, and clairvoyance, alongside with their familial responsibilities and keeping their honor, chastity and purity, the Muslim Women are active and partake in different social fields such as: education, higher education, health and medical training, sports, art, radio and television, governmental posts, efficient management, working for the Judiciary and Executive branches, law-giving and decision-making across the county, in both public and private sectors. By her qualified presence on the scene in society, which is emphasized by Islam, the Muslim Woman proves that Islam does not and has never tried to isolate women in the society. It is hoped that the women of our society will achieve the posts appropriate for them through their merits, qualifications and managements, and will be effective in developing most of the society.

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[1] *Ṣaḥīfeh-ye Imām*, vol. 3, p. 49.

14

Imām Khomeinī's Views on Women's Status

Selinā Parwīn

Introduction

"Women's issues" are among the most controversial debates of this era and the world is now facing a crisis in this regard. At the moment, women can be categorized into several groups in terms of their universal status. The first group are the followers of Islam around the world and the other group are the followers of western civilization which are developed economically and the third group some of the women of Muslim and non-Muslim societies as well as some of the women of underdeveloped societies.

Women, who are part of human society and, like men, are carrying out their own responsibilities, are being treated differently in different societies. The great adversity is that women themselves sometimes put them on display and so limitlessly make all their best that causes their lack of honor and human dignity. In contrast, the Muslim Women are in all aspects of their lives dignified and reserved. The noteworthy problem here, however, is that the western civilization intrigues to destroy pure Islamic values and using all modern technologies as well as pro-west intellectuals of their own societies, try to propagandize against Islamic values and in this regard they sometimes

misuse wrong perspectives toward women and the downtrodden in Muslim societies.

Being aware of the deplorable condition of woman in Islamic societies, the leader of the world's Muslims, Imām Khomeinī, took actions for resolving this problem. He introduced the real status of women in Islam to them and called them for carrying out their duties. He emphasized on clarifying the real sense of Islam. His speeches were so clear that the Iranian women welcomed with open arms his invitation and in 1997 they were forerunners of the Islamic Revolution. It is noteworthy that Imām introduced "The Women's Universal Day" in order to emphasize the importance of the women's issues.

Imām Khomeinī's views on women are of high importance and value. Through analyzing some problems of women's status in contemporary societies as well as in Islam based on the Imām's views, we deal with the subject of this paper. Moreover, some of the features of her Eminrnce, Fāṭimah Zahrā (*'a*), in the Women's Universal Day has originated, will be discussed.

A. Women's status and their human role

Like men, women's status enjoys humanity and possesses equal rights in the human rights charter. Their aims of life are also the same.

1. Women's responsibilities

The human society develops through men and women's creativities and interactions. Women play vital roles in every day life. The role of the men and women is like the completing role of man's two hands in doing things. Each hand does certain things and helps life's problems to move on. Women's roles are comparable to this. Some of human activities are the same for both men and women. They have, however, different particular responsibilities which due to their natural differences. Today women work in different fields. In addition to housework, they shoulder other responsibilities and except for rare cases they are free. Their social responsibilities cover, a result, a wide range. Stressing on this point, Imām says, "Compared to men, Iranian ladies have made a greater contribution to this movement and revolution". "If the man-making women are taken from the nations, they will confront failure and decline". These two sentences can show the importance of women in our society.

2. Women's role in family

Family is the main unit of society and women play key roles in maintaining the family union. They do such housework as looking after babies while at the same time supporting family economy by working outside. Women can persuade their husbands to do good deeds; they can also lead them toward doing bad deeds, which will consequently have bad effects upon society. The Imām has said on this, "Both decency and corruption of a society originate in the women of the society."

Family's security and peace, success or deviations, dissatisfactions, impurity and corruption as well as the future of the all the groups and individuals in society are dependent upon the women of the society. The following statement by Imām Khomeinī indicates this point, "woman has a great role in society. She is the origin of the accomplishment of human being aspirations."

3. Motherhood

"A good mother brings up good children and, may God let it never happen, if the mother is deviant the child will be deviant from the very beginning." "The first school a child may have is the mother's lap."

The mother looks after her children and plays a key role in bringing them up. Mother's bringing up and care for her children affects the children's whole lives. Man-making is, therefore, in the powerful hands of women. Achievements, success and permanence of society depend on them. A good woman undoubtedly brings up good children. A woman with sophisticated appreciation and understanding of life breeds with no doubt good children and a good family creates a good society. Women, as a result, have important roles in making a good society, and it can be said that the goodness and badness of a society has much relevance to the women of that society.

4. Women's roles in education and values

Women play significant roles in educating the society in which they live. On this, Imām Khomeinī says, "The children's education should start from when the children are on your laps, when they are babies, a true Islamic education if you see that one's mother is all right and proper, if you see that one's father is all right, the society will surely be proper and right." "The children learn better from their mother, the children are not influenced by their fathers and teachers as much as they are by their mothers."

It is worth noting that motherly love and sentiments prove very effective in educating and upbringing of children who learn real and fundamental

teachings required for the future life. The children look at their mothers' attitudes and behaviors and apparently follow them in aspirations and manner.

5. Women's role in society

In addition to having direct effect on the society, the women can indirectly affect the society through educating and upbringing the children as well as impressing their husbands. Through their children and husbands, therefore, women bring up good men and women for the society.

On this issue, Imām Khomeinī says,

> "Woman ■ the single creature who can dedicate to society through her upbringing the individuals through whose bountiful presence a society and even societies can head for the sublime human values. The women can, however, play the reverse role".

B. Women's position in the Qur'an and the Tradition

In order to understand better women's position in Islam, it is necessary to know the society's views on woman at a time when the Qur'an was reveled to the Holy Prophet.

1. Society's view on the women during the Ignorance Era

The Qur'anic verses were reveled at a time when the whole society was in utter darkness. The girls were buried alive. The ignorant society of that time did not regard women as human beings. The following two verses indicate the position and situation of the women at that time. "*And when the one buried alive is asked for what sin she was killed.*"[1]

"*And when birth of a daughter is announced to one of them, then his face becomes black and he is full of wrath. He hides himself from the people because of the evil of that which is announced to him. Shall he keep it with disgrace or bury it (alive) in the dust? Now surely is what they judge*"[2].

2. Only the deeds of the human beings are judged, not their gender

Qur'an believes that woman's dignity is equal to men's and believes in equal rights and responsibilities for both men and women. With no regard for the gender of the human beings, the Holy Qur'an only emphasizes the actions, saying: "*And whoever does good deeds be it male or female, and he*

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[1] *Sūrah at-Takwīr* 81:8-9
[2] *Sūrah an-Nahl* 16:58-59.

or (she) is a believer- these shall enter perpetual paradise, and they shall not be dealt with unjustly a jot."[1]

The Holy Qur'an has announced *Ḥalāl* (permissible) and *Ḥarām* (forbidden) for all holding no discrimination between men and women and among races. Inviting human beings to goodness, the Qur'an deems void gender discrimination and emphasizes personal deeds in achieving social objectives, and appreciates as it does in the case of men, women's responsibilities and works. The Qur'an thus expresses this problem, "*I will not waste a work of a worker among you whether male or female.*"[2]

In a tradition of the Holy Prophet, Muhammad, this point is referred to:

a. "It is on every man and woman to be in search of knowledge."

b. "Who is more endeared before God? The one who gives more knowledge to God's creatures".

3. The good tide on the birth of female infant

The Holy Qur'an, in addition, declares the birth of a female infant ■ an annunciation and good news. In the ignorant 'Arab society, birth of a female infant was bad news. God the Almighty changed this bad news to good news. The Holy Prophet's words in this regard indicate that the father of a female infant enters paradise together with the Prophet.

A. We will save from the fire of the hell whoever treats his daughters benevolently.

B. Paradise belongs to the mothers.

It is said in one of the prophet's traditions that God sends His angels down to a house in which a female infant is born. The angels go to the girl and cover her with their wings. The angels also thank the infant's parents and say that God loves whoever loves this girl.

4. Equal rights of men and women

The Holy Qur'an, unlike social views of the 'Arab society during the Prophet's time, not only declares equal to men the rights and responsibilities of the women in economic activities, but also believes in equal rights for them. The following verses indicate this issue: "*O people! be careful of (your duty to) your Lord, Who created you from a single being and created its mate of the same (kind) and spread from these two, many men and women; and be careful of your duty to Allah by whom you demand one of another (your*

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[1] *Sūrah Nisā'* 4:124.
[2] *Sūrah Āl-e 'Imrān* 3:195

the rights similar, since men and women are not born similar naturally. What the western view wants is, in fact, the similarity of the rights and not that of equality. There is much consideration in Islam about the growth and perfection of woman and saving her from low social positions. This regard for women is so clear in Islam that it allows women to overtake men in using social services of Islam and achieve the social position they deserve. "In Islam the women have important positions in the Islamic society. Islam has promoted the place of woman to where she can achieve her human dignity and be something more than a mere object and carry out, proportional to such a growth in the Islamic infrastructure, certain responsibilities."[1]

Legal entity of women is quite equal to that of men and no privilege based ■ sex is acceptable and reasonable. Article (6-a) in the Islamic Declaration of Human Rights asserts:

> "Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage".

One of the most important problems which has always fascinated the thinkers and scholars is finding a definite way of putting into action the rules and cases of human rights and guaranteeing its enforcement by the political power. One of the best means by which one can hope that human rights and public freedoms in a political society will materialize, is the existence of a popular (democratic) government in that society. A government established on the basis of the public's wishes and desires cannot, undoubtedly, be indifferent to the rights of the individual under its rule.

As for the difference between the eastern and western democracies and Islamic ones, it can be said that the first two ones are founded on the bases which Islam does not agree to. The western democracy is made distinct by individualism and negating spiritual dimension that is, secularism, and eastern democracy is made distinct by absolute socialism and negating God. While, regarding the considerations of both the individual and society, the Islamic government is bound to comply with religious rules as well. Accordingly, it can be said that democracy is in the nature of Islamic government. "Our favored democracies may be similar in part to the democracies in the west, but the democracy we are going to establish does

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[1] *Sahifeh-ye Imām*, vol. 3, p. 101.

rights), and (to) the ties of relationship; surely Allah ever watches over you.."[1]

"*And do not covet that by which Allah has made some of you excel others; men shall have the benefit of what they earn and women shall have the benefit of what they earn; and ask Allah of His grace; surely Allah knows all things.*"[2]

The content of the cited verses shows that women have independent identities in society and this is absolutely different from the views that regard women as goods. Women were regarded in the past and are now being referred to as second-class citizens and the slogan of women's freedom in the west is indicative of this matter. Believing that women, like men, are human beings, Islam holds independence and independent identity for them in rights and in responsibilities.

5. Women are men's friends

The Qur'an asks men and women to be friends in every day life. This friendship can be in all fields. On this, the Qur'an says, "*And as for the believing men and the believing women, they are guardians of each other, they enjoin the good and forbid the evil, hold prayers, give alms to the poor -rate , and obey Allah and His apostles, (as for) these, Allah will show mercy to them, surely Allah is Mighty, Wise...*"[3] This verse also shows that women are their husbands' associates in their social roles.

6. Responsibilities toward parents

On the other hand, the Muslim women are bound to take care of their children and educate them and; hence, they deserve more respect than men do. In a tradition the Holy Prophet repeats three times being well-mannered toward mothers but he has talked of showing good behavior toward fathers only once. Elsewhere, he says ■ this: A) whoever wishes to enter the paradise should earn their parents' satisfaction. B) That's a pity that some of the youth do not enter the paradise due to not serving their old parents.

It is clear that the parents suffer difficulty and pain in taking care of their children and accordingly God the almighty says thus: "*And We have enjoined on man doing good to his parents; with trouble did his mother bear him and with trouble did she bring him forth, and the bearing of him and the weaning*

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[1] *Sūrah Nisā'* 4:1.
[2] *Sūrah Nisā'* 4:32
[3] *Sūrah at-Tawbah* 9:71

of him was thirty months."[1] As their duty, the children who are brought up with love and care should take care of their old parents.

1. Islam does not allow unbound life

Islam does not allow women to be limitlessly free under the pretext of women's rights and has defined certain limiting factors for both men and women. All the human beings are born from one individual; (*Nisā'*/1 mentioned earlier) Islam has limited them to a series of regulations.

2. A reward for the followers

God the Almighty in addition, has promised reward for those who comply with the constraints of the regulations mentioned above. An instance of this reward is mentioned in verse 97 *Sūrah Naḥl*:

"*Whoever does well, be it male or female and he is a believer, We will most certainly make him live a happy life and We most certainly give them their reward for the best of what they did.*"[2]

It is noteworthy that an unbounded life is by no means ■ valuable life. Islam, as ■ result, limits the style of human lives particularly women's since, as mentioned in the prophetic tradition, the Satan is mainly dependent upon women for carrying out his satanic intentions.

3. *Ḥijāb* (veil) is a Necessity

God the Almighty has counted the celestial ways through which women can keep themselves away from the temptations of the Satan and his followers' in verses of *Sūrah al-Aḥzāb*, "*O Prophet! Say to your wives and your daughters and the wives and daughters of the believers that they let down upon them their over-garments; this will be more proper that they may be known, and thus they will not be given trouble; and Allah is Forgiving, Merciful.*"[3] This verse does not bar women who want to play roles concordant with their potentialities, but prevents them from doing things which follow the style of the defenders of women in the west.

Unlike slogans of the modern western civilization, the Muslim woman's *ḥijāb* (veil) is her defender and the guarantor of her right. *Ḥijāb* is the sign of woman's dignity. In *ḥijāb* (veil), Muslim woman becomes precious; this point is also mentioned in the Qur'an. Nevertheless, *ḥijāb* acts like a protective factor for women to keep them away from the satanic intentions.

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[1] *Sūrah al-Aḥqāf* 7:15.
[2] *Sūrah an-Naḥl* 16:16:97.
[3] *Sūrah al-Aḥzāb* 33:59.

hijāb is indicative of the Islam's spirit among women and family and is regarded as the main hallmark of the Muslims. The western civilization intends to wipe out the women and family. In order to remain true Muslims, therefore, there is no choice other than keeping *hijāb* in real sense of the word.

4. Instances of righteous and honorable women

There are many instances of good women in the history of Islam. Among the most prominent of them are Her Eminence Khadījah-ye Kubrā' (*'a*), Her Eminence Fāṭimah Zahrā (*'a*), Her Eminence Zaynab (*'a*), Her Eminence Maryam (*'a*), Her Eminence Āsiyah (*'a*), and Her Eminance Sarah (*'a*). Instances of the mothers who lack goodwill are also available and actually we can observe many of them around.

C. Women's current status

Today, women are treated like goods. The western civilization has pulled down women from their sublime spiritual and moral position and made them men's puppets. The western society wills to lead the women toward fashions and rivalry in getting unveiled. Today in the western societies, there exists an illegitimate and promiscuous relationship between man and woman. On the other hand, the western society intends to liken the Muslim society to the west. It tries to destroy bonds and conventions of Muslim families and keep Muslim woman away from veil (Hijab). They also intend to lead women toward promiscuity and licentiousness using such means as dailies, journals, cinema, CDs, internet, etc and ▪ does it best to achieve this aim and some of the Muslim women give into these things. The women of non-Muslim societies as well follow deviant western culture. The cliché of women's freedom is today popular among them. In the name of freedom women are let out of home, and nowadays women's freedom has come to be equivalent of licentiousness, that is, live in whatever way you wish.

D. Historical roles of Muslim women

Imām Khomeinī said, "History is Man's teacher" and "History is the illuminating light of the future". Some women in Islam throughout history are looked at as models and paragons. Their virtue, submission to God's will, spirituality, moral courage and religious deeds are all of interest to true followers of Islam. Her Eminence Maryam (*'a*) daughter of His Eminence 'Imrān, her eminence Āsiyah (*'a*) Pharaoh's wife, her eminence Hājar (*'a*) Ishmael's mother, her eminence Sarah (*'a*) mother of his eminence Isaac, etc

are instances of spirituality and righteousness in the history before the emergence of the last Holy Prophet, His eminence Muhammad. Approving their deeds, God guided them toward a sublime position, naming them in the Holy Qur'an. The history of the last prophet, Muḥammad, has recorded the names of some women who played important roles during their own era. These women are still the paragons of Muslim women. Among these glorious women, the following can be mentioned, her eminence Khadījah (*'a*), her eminence Fāṭimah Zahrā (*'a*), her Eminence Zaynab (*'a*), daughter of her eminence Fāṭimah (*'a*) and Sumayah the first female martyr in Islam. Some features of the lives of her eminence Khadījah (*'a*), her eminence Fāṭimah Zahrā (*'a*) and her eminence Zaynab (*'a*) are accounted for since they are the manifestation of true light of Islam.

1. Her Eminence Khadījah (*'a*)

During the first stages of the Holy Prophet's prophethood, her eminence Khadījah (*'a*) was his main help and friend. Her eminence Khadījah helped the prophet with all her vigor. She was the first person who became Muslim. She became a Muslim unquestioningly and with no doubt. This great woman, before this, was the Prophet's help and spent all her wealth on her husband's sublime goals. She was a rich woman in her own time and spent all her wealth on Islam. Even in the most excruciating and unbearable circumstances, she was with the Prophet and did not have the slightest doubt in mind; this was the beginning of prophethood, hard times of Shi'b-e Abī Ṭālib.

Her eminence Khadījah (*'a*) was so virtuous and righteous that during the Prophet's supplication and prayer to God in Hara Cave, she went to the cave frequently, taking food for the prophet. And when the Holy Prophet became the Messenger of God, she was, together with Imām 'Alī who was ten at that time, the first believer. She knew and appreciated the Prophet's situation and took care of him in a way that after her heavenly deparure, the Holy Prophet remembered her in tears, due to his deep love for her and the life he had lived with her. The Holy Prophet said who could be like Khadījah (*'a*) and be her equal; while every body rejected the Prophet's invitation to Islam, Her eminence Khadījah (*'a*) submitted to Islam without any doubt and question.

2. Her Eminence Fāṭimah Zahrā (*'a*)

The leader of the women of the two worlds, her eminence Fāṭimah Zahrā (*'a*) is the daughter of her eminence Khadījah (*'a*). After Khadījah (*'a*), Fāṭimah Zahrā (*'a*) took care of the Holy Prophet.

a. The mother of her father

When her eminence Khadījah departed, her eminence Fāṭimah Zahrā was 5 or 6 years old. She was at an age that she needed her parents' care. However, she was with her father and took care of him. Although she was a child she persuaded the Holy Prophet in his mission to invite people to the path of God even during the period when the infidels committed cruel acts. Meanwhile, when the Holy Prophet was wounded as a result of the infidels' barbarous tortures, she took care of him. Her eminence Fāṭimah Zahrā was so brave that she had the courage of uprising against the pagans. She was so loved by the Holy Prophet of Islam that the prophet called her "the mother of her father". Whenever he met her, the Holy Prophet would rise in respect.

b. The leader of the women

The Holy Prophet said, "Fāṭimah is a part of my body". Prophet's love for and interest in his daughter Fāṭimah was so much that whenever her Eminence Fāṭimah (*'a*) went from her husband's home to the Prophet's, the prophet gave her a warm reception. Every day on the way to the mosque, the Holy Prophet passed by Fāṭimah's house and respected her saying: "May peace, blessing and mercy of Allah be upon you the Holy Prophet's household". The Holy Prophet also said, "he who displeases Fāṭimah, has offended me, and whoever displeases me has displeased God, and whoever displeases God is infidel and unbeliever. Fāṭimah! He who irritates you, has irritated God and he who pleases you has pleased God".

It is said that before and after his journeys, the Holy Prophet would visit her eminence Fāṭimah (*'a*) since Fāṭimah had much virtue and a great and sublime personality. It is also said that her eminence Fāṭimah was born with Allah's light and that God praised her before His angels due to her deeds. On account of her deeds and manners, her eminence Fāṭimah has become to be known as the Lady of the Two Worlds in all eras. Her virtue brought her the title Zahrā since her light is to illuminate the paradise. The Holy Prophet and her eminence Fāṭimah are respectively perfect paragons for the men and women.

c. Magnanimous deeds

In her own time, her eminence Fāṭimah Zahrā (*'a*) was proverbial to any one due to her generous and magnanimous behavior. She was very kind to the poor and spent all her properties for the poor. Nobody would leave her disappointed. Sometimes she gave her only food stored for Iftar for the poor. There are quite a few of these instances in history. Her eminence Fāṭimah could have a sumptuous life; however, despite having property and wealth, she used to work and had simple clothes and food. She was very generous and no one left her home empty-handed. At times, she gave her food to the poor while she was hungry. Another instance of God's praise of the deeds of the prophet's household can be found in "Sūrah Dahr" in which it is said once her eminence Fāṭimah and his eminence Ali kept fast for three days and at the end of the day they gave whatever they had to the poor, orphans and prisoners. They had nothing to eat and drink except water and were pleased with prayer. God was pleased with their generous behavior and expressed His gratification through a verse saying, "*And they give food out of love for Him to the poor and the orphan and the captive and say we only feed you for Allah's sake. We desire from you neither reward nor thanks.*"[1] (*Sūrah Dahr*, verses 8 an 9)

d. Leader of the prophet's household

It is said in the tradition that the Prophet's household was the foundation of Islam and the pillars of faith. Her eminence Fāṭimah was the leading member of the household. In Mubāhilah Verse in the Holy Qur'an (*Sūrah Āl-e 'Imrān*, verse 61) she is adored. To confront the Christians, the Holy Prophet accepted to choose *Mubāhalah*. Accordingly, the Prophet of Islam fielded all the members of his family (four members) and her eminence Fāṭimah (*'a*) was ahead of the other three members of the Prophet's household. (Imām 'Alī, Imām Ḥasan and Imām Ḥusayn).

In rejecting the infidels' request, God the Almighty announced her eminence Fāṭimah *Kawthar* addressing the Holy Prophet (*Sūrah Kawthar*). The Prophet also said, "I leave as bequest two precious things among you. God's Book and my household. These two will indeed not part until they join me in *Kawthar* (in paradise). (*Thaqalayn* tradition)

[1] *Sūrah ad-Dahr* 76:8-9.

e. Legacy of Islam's Imāms

The home of her eminence Fāṭimah Zahrā (*'a*) was the school for the women of Medina. On the one hand, she was the daughter of Islam's Holy Prophet who was called the City of Knowledge and the wife of Imām 'Alī who was called the Door to Knowledge. On the other hand, she was the mother of two celestial masters of the youth, that is, Imām Ḥasan and Imām Ḥusayn. Meanwhile her eminence Fāṭimah was the Lady of the women of the world. All the Imāms of Islam after her were her offspring and she is called the mother of Islam's Imāms (Imāms' mother).

f. Maintaining Islam's essence, her only concern

It is noteworthy that one of Fāṭimah'a sons, Imām Ḥusayn, the third Imām of the Muslims, protected Islam from the oppressors and tyrants sacrificing his own life for Islam in Karbalā. Imām of the Time, May God expedite his glorious advent, the last Imām of the Muslims, who will perpetuate and maintain the spirit of Islam in the future dark era is also scion of her eminence Fāṭimah (*'a*).

g. A human being purified by God

Her eminence Fāṭimah Zahrā (*'a*) was born pure. In *Sūrah al-Aḥzāb* verse 33, God asserts that her eminence Fāṭimah Zahrā and the rest of the members of the Prophet's household are pure, "*Allah only desires to keep away the uncleanness from you, O people of the House.*"[1] Even during Fāṭimah's birth the most famous women in history of Islam were sent by God to help Khadija. Her eminence Khadījah describes the conditions at Fāṭimah's birth saying, "at Fāṭimah's birth I asked Qurayshī women to help me. They rejected straightforwardly and said that I betrayed them by assisting Muhammad. I got furious for a moment, but suddenly to my surprise four extraordinary tall ladies approached me with halos around their heads. When they found me worried and terrified, one of them addressed me, Khadījah! I am Sarah, Isaac's mother and these three women are Meryam the mother of Jesus, Āsiyah and Umm Kulthūm, the sister of Moses. We are all sent by God to help you with our midwifery knowledge. Saying these sentences, they all sat round me and helped me up to the moment of the birth of my daughter Fāṭimah.

[1] *Sūrah al-Aḥzāb* 33:33

h. Nevertheles, many Muslims do not know Her eminence Fāṭimah as they should

Her eminence Fāṭimah (*'a*) is the symbol of live Qur'an. She is the glory of the women of the world and a paragon for all of them. She is the Lady of the Two Worlds. She is Az-Zahrā, the Lady of the Light, since her light illuminates the paradise. The Holy Prophet and her eminence Fāṭimah are respectively the perfect models for men and women of the world.

In the book "A short History of the lives of the infallible Imāms", moral features of Her eminence Fāṭimah is thus described: "Her eminence Fāṭimah has inherited indeed from his father wit and intellect, the power of will and resolution, purity and righteousness, generosity and benevolence, virtue and prayer, self-sacrifice and hospitality, charity and patience, knowledge and magnanimity of character. Imām Ḥusayn says: "I always saw my mother pray from twilight to dawn". She was so generous and compassionate with the poor that no poor person would leave her home empty-handed.

D. Imām Khomeinī's point of view about Her Eminence Fāṭimah Zahrā (*s*)

About the great woman of history, Imām Khomeinī said,

1. All aspects imaginable for a woman or a human being had been manifested and existed in Fāṭimah Zahrā (*s*). She has been no usual woman; but a spiritual, a divine one; a genuine human being, a whole version of humanity, the whole truth of woman, the whole truth of mankind...a woman possessing all the qualities of the prophets; a woman who could be a prophet, if she were a man; who could replace the Messenger of Allah (the Prophet of Islam).[1]
2. This small household of Fāṭimah (*s*) and the people brought up in it, who were four to five in number, have in fact manifested the power of Allah, and made services which have amazed all of us and the whole humanity."[2]
3. We have to choose this household as our role model. Our ladies should take lessons from the ladies in that household and our gentlemen from their gentlemen; in fact all of us from all of them.[3]
4. The spiritualities, the heavenly and divine manifestations, the *jabarut malaki, nasuti* (heavenly, angelical, otherworldly) manifestations, are all incorporated in this being (Fāṭimah Zahrā [*s*]).[4]

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[1] *Ṣaḥīfeh-ye Imām*, vol. 6, p. 185.
[2] *Ṣaḥīfeh-ye Imām*, vol. 16, p. 125.
[3] *Ṣaḥīfeh-ye Imām*, vol. 5, p. 283.
[4] *Ṣaḥīfeh-ye Imām*, vol. 6, p. 185.

5. It is a matter of regret that the glorious life of Her Eminence Fāṭimah Zahrā has still remained unknown to most of the Muslims and they are ignorant of what she did.

2. Her Eminence Zaynab (s)

Her Eminence Zaynab was a daughter to Imām 'Alī ('a) and Her Eminence Fāṭimah Zahrā (s), a sister to Imām Hasan ('a) and Imām Ḥusayn ('a) and the grand daughter of the Prophet of Islam and one of the household of the Prophet ('a).

In Karbalā, she accompanied Imām Ḥusayn ('a). Two of her children were among the martyrs of Karbalā along with Imām Ḥusayn (a). After the martyrdom of Imām Ḥusayn ('a) in Karbalā, she, along with the members of the household of the Prophet ('a), among them the fourth Imām of the Shiites, His Eminence Zayn al-'Ābidīn, were captivated and taken to Yazīd's court. On this journey, Her Eminence talked to people about the inhuman crimes of the army of Yazīd against the Household of the Prophet; besides, Her Eminence bravely went on telling the truths and protesting the beastly acts of the Yazīd's army in Karbalā, which seriously embarrassed Yazīd.

About Her Eminence Zaynab, Imām Khomeinī has stated,

> "A woman who stood against a tyrant who would kill the men if they dared to breathe, but she stood firmly without any fear and condemned Yazīd; she said he did not deserve to be called a human being and said you are not a human being. Such a status a woman has to have.[1]

A woman should have such an attribute. Through the blessings of God, our women are like Her Eminence Zayanb (s). They attacked the despotic monarchy of the Shah; they advanced the Islamic Movement even carrying their little children.

It has been reported that at the last moments of the incident of Karbalā, while Imām Zayn al-'Ābidīn ('a) was ill, Imām Ḥusayn ('a) told her that her next mission was to safeguard the legacy of the Prophet's Household ('a), and Her Eminence Zaynab (s) performed everything according to Imām Hosein's instructions. Maybe one could say that the bravery and the way she revealed the facts ■ the reason the incident of Karbalā survived to the modern times. If Imām Ḥusayn ('a) nullified the plots of Yazīd by shedding his own blood, Her Eminence Zaynab annulled the second part of this plot by revealing the facts to people.

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[1] *Saḥīfeh-ye Imām*, vol. 6, p. 187.

Imām Khomeinī says,

"We have repeatedly seen women who cry out like zaynab (*'a*) saying that they have lost their children and sacrificed everything for the sake of God Almighty and the dear Islam, and they take pride in this; what they have obtained is more superior to the paradise when compared to the worldly gains."[1]

D. Imām Khomeinī's words about issues of the women

The Imām's ideas about women can be divided into the following topics from each some excerpts will be quoted:

1. The status and role of the women in the society; 2. Women's rights; 3. Responsibilities of women; 4. How women can gain dignity; 5. The World's Woman Day.

The status and role of the women in the society

1. As the mother

a. "The first school for ■ child is the mother's lap."[2]

b. "A good mother brings up a good child; and if , may God forbid, the mother goes astray, the child will go corrupt right from the mother's lap."[3]

c. "The mother's service to the society ■ superior to a teacher's, and to anybody else's."[4]

2. Woman's role in the cultivation and the construction of the beliefs

a. "Woman is the instructor of the society."

b. "The mother's service to the society is superior to a teacher's, and to anybody else's."

c. "The cultivation of children should start from your lap, a correct Islamic cultivation if the father is a righteous person, the child will be brought up correctly then the society would be righteous."[5]

d. "The courageous mothers of the children of Islam have revived the memories of self-sacrifices and valor of the heroines of the history."[6]

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[1] *Ṣaḥīfeh-ye Imām*, vol. 21, p. 172.
[2] *Ṣaḥīfeh-ye Imām*, vol. 16, p. 192.
[3] *Ṣaḥīfeh-ye Imām*, vol. 7, 283.
[4] *Ṣaḥīfeh-ye Imām*, vol. 14, 131.
[5] *Ṣaḥīfeh-ye Imām*, vol. 6, 186.
[6] *Ṣaḥīfeh-ye Imām*, vol. 14, 131.

not exist in the west. In comparison with the western democracy, the Islamic democracy is complete."[1]

We should not expect democracy to persevere in a political society in which there exists no social justice and certain groups enjoy economic and financial power. The owners of the economic power try to affect the domains of political power as well. In Islamic thought, social justice is so important that it was one the causes why the prophet established an Islamic government; the Holy Prophet formed a government like the other governments of the world, but with the intention of expanding social justice.[2]

The most important thing to be done for the purpose of materialization of social democracy is planning a social and economic infrastructure. With the aid of this method, great steps can be taken for putting into action the laws and principles of the human rights. Among other ways of guaranteeing the human rights in a political society, existence of a powerful judicial system as well as written constitution can be mentioned. In drawing up the draft of the Islamic Republic of Iran's constitution, Imām Khomeinī emphasized:

> "Efforts should be made in the constitution to devise all the rights of freedoms and opportunities of growth, perfection and independence of the nation based on Islamic laws which guarantees the rights of all individuals."[3]

According to the propounded matters, it can be concluded that by using Imām Khomeinī's views and thoughts, necessary actions can be taken for establishing a system of human rights and public freedoms in an Islamic government. A system which provides all individuals and groups with essential rights and freedoms while doing no harm to the power and sovereignty of the Islamic government.

One of the long-term objectives of the Islamic government is to try to maintain human identity and dignity and to lessen social differences of the society and to establish social justice. Needless to say, protecting the rights of Islam and nation and providing social justice and defending human dignity have all been the prophets' missions. Based on the wise and prophet-like leadership of Imām Khomeinī, the Islamic Republic of Iran has actively tried to maintain this important affair and has endeavored to observe the most important cases and instances of human rights and public freedom. Believing

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[1] *Ṣaḥīfeh-ye Imām*, vol.3, p. 13.
[2] Imām Khomeinī's *Last Message*, p. 10.
[3] *Ṣaḥīfeh-ye Imām*, vol. 6, p. 268.

3. A criterion for welfare or decadence

a. "If the nations lose the human-making women, they will suffer defeat and decadence."[1]

b. "The decency or decadence of a society originates in the decency or decadence of its women."[2]

c. "If the mother goes astray, the child will go corrupt right from the mother's lap."[3]

4. Serving the society

a. "Woman has a great role in the society; woman is the symbol of the fulfillment of the ideals of mankind."[4]

b. "Woman is the only being who can provide the society with persons, through whose blessings a society, or better to say, many societies will be directed to righteousness and lofty human values."[5]

c. "The salvation or damnation of the countries depends on women."[6]

d. "The role of women in the world has specific features; the decency or decadence of a society originates in the decency or decadence of its women."[7]

Women's rights

A. "We want woman to attain the lofty status of humanity. Woman has to play a role in her own destiny."[8]

B. "Islam wants to save you from plots of those who intend to exploit you. Islam wants to cultivate you to become a perfect human being."[9]

C. "Women possess the right to make decisions about their destiny, just as men do [and in] the issues which are not against woman's dignity and decorum, [the women] are free."

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[1] *Ṣaḥīfeh-ye Imām*, vol. 6, 158.
[2] *Ṣaḥīfeh-ye Imām*, vol. 4, 440.
[3] *Ṣaḥīfeh-ye Imām*, vol. 6, 300.
[4] *Ṣaḥīfeh-ye Imām*, vol. 16, 192.
[5] *Ṣaḥīfeh-ye Imām*, vol. 7, 341.
[6] *Ṣaḥīfeh-ye Imām*, Ibid.
[7] *Ṣaḥīfeh-ye Imām*, vol. 16, 192.
[8] *Ṣaḥīfeh-ye Imām*, vol. 5, 153.
[9] *Ṣaḥīfeh-ye Imām*, vol. 5, 175.

Responsibilities of women

A. "The courageous mothers of the children of Islam have revived the memories of self-sacrifices and valor of the heroines of history."[1]

B. "The salvation or damnation of the countries depend on women."[2]

C. "Woman is the only being who can provide the society with persons, through whose blessings a society, better to say many societies will be directed to righteousness and lofty human values."[3]

D. "You men and women of history should show the world how to fight the oppressors and defend the righteousness."[4]

How women can gain dignity

A. "In Islam, woman has to put on a veil, but it is not necessarily the Chador (a kind of veil considered as perfect Islammic veil); rather women can choose any piece of clothing which would make up their *hijāb* (Islamic veil).[5]

B. "All women should set that unique and exceptional gem of the women, Her Eminence Fāṭimah Zahrā (*s*) as their role model."[6]

C. "The spiritualities, heavenly and divine manifestations, the *jabarūt, malakī, nāsūtī* (heavenly, angelical, otherworldly) manifestations, are all incorporated in this being (Fāṭimah Zahrā [*s*])."[7]

D. "The nation who has also martyrs for Islam both from among the ladies and the gentlemen, and martyrdom is wished for by both men and women, will suffer no harm."[8]

E. "It is an honor for us that ladies, old and young women, are active in the cultural, economic and military scenes along with men or even better than they are, to advance Islam and the goals of the Holy Qur'an."[9]

The Universal Woman's Day

Accounting the life style of some of the Muslim women, who are role models for all the ages, Imām Khomeinī has shown the path of the genuine Islam. These models would lead women toward dignity and honor.

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[1] *Ṣaḥīfeh-ye Imām*, vol.3, 49.
[2] *Ṣaḥīfeh-ye Imām*, vol. 3, 102.
[3] *Ṣaḥīfeh-ye Imām*, vol. 6, 186.
[4] *Ṣaḥīfeh-ye Imām*, vol. 16, 192.
[5] *Ṣaḥīfeh-ye Imām*, vol. 2, 111.
[6] *Ṣaḥīfeh-ye Imām*, vol. 4, 103.
[7] *Ṣaḥīfeh-ye Imām*, vol. 19, 279.
[8] *Ṣaḥīfeh-ye Imām*, vol. 6, 185.
[9] *Ṣaḥīfeh-ye Imām*, vol. 13, 31.

Therefore, Imām Khomeinī has adorned the World Woman's Day with the name of Her Eminence, Fāṭimah (*s*).

His Eminence, Imām Khomeinī (*r*) made mention of that role model of the Muslim women who has been entitled the Lady of the world's women, by calling after her the World Woman's Day. The Imām states, "If a day is to be the woman's day, there is no other day greater than the auspicious birthday of Her Eminence Fāṭimah Zahrā (*s*)."[1]

By following the role model of Her Eminence Fāṭimah Zahrā (*s*), the women can enjoy the divine endowments of the world and the afterworld, instead of being treated like goods as currently practice in the west.

The Muslim women should properly enjoy their rights in Islam and obtain the opportunities to fulfill their duties. For this purpose, they have to possess an exact knowledge of Islam and this is only possible through the Prophet's Household (*s*). By announcing the Birthday of this grand lady as the World Women Day, Imām Khomeinī (*r*) introduced the glorious life of Her Eminence Fāṭimah (*s*) as a model for the women of the world.

The present status of women, both in the Muslim and non-Muslim societies, is not becoming suitable for women at all. Women need to overcome this inappropriate situation imposed by the western civilization and the backward Muslims.

The announcing of the World Women Day is a response to this need. This day coincides with the birthday of the great Lady of the Islam and the women of the world, Her Eminence Fāṭimah Zahrā (*s*). The glorious features of her life are a model for all times. Some of the aspects of the life of Her Eminence Fāṭimah Zahrā (*s*) discussed in the previous section, refer to this fact.

Understanding the needs and requirements of the time in all aspects of life is important, and announcing the birthday of Her Eminence Fāṭimah (*s*) as the World Women Day for all the women of the world is because of her piety, devoutness and perceiving of this need.

The impacts of Imām Khomeinī's words regarding the women's issues

The impact of Imām Khomeinī's views on the women's issues is clear in the Iranian society. The Iranians achieved a successful revolution and the established a genuine Islamic regime in which women played a significant role. Imām Khomeinī managed to lead women toward the Islamic values and the Iranian women, by responding to the call of their leader, devoted

[1] *Ṣaḥīfeh-ye Imām*, vol. 16, 67.

themselves to the Islamic Iran and acted according to the Islamic code. In a nutshell, the Iranian women have accepted the rule of a genuine Islam.

Furthermore, the women of the other Muslim countries and those of the non-Muslim countries have found a chance to perceive the real image of freedom of women, contrary to what is displayed in the western civilization.

The words of Imām Khomeinī (*r*) regarding women, has opened the closed doors of the genuine freedom both in the worldly and afterworld lives. These statements reveal the real essence of Islam and seek for two goals at the same time:

1. It clears up the misunderstandings about Islam by showing the genuine and correct way to put into effect the Islamic laws.
2. It will give the Muslims ■ chance to return to the real heart of the genuine Islam and at the same time, it will be ■ effective response to the western propaganda, and even a way to attract the westerners to Islam.

Conclusion

In the end, one could say that the views and advice of the Grand Leader, Āyatullāh Rūḥullāh Imām Khomeinī (*r*) about the issues of women, have confirmed the real status of women in the society and led the Muslim Ummah toward the genuine Islam, and the people of the world toward the true path of peace.

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به زبان انگلیسی

سال چاپ ۱۳۸۶

ناشر: موسسه تنظیم و نشر آثار امام خمینی

(معاونت امور بین الملل)

in human rights, the Islamic Republic of Iran has voted in favor of international treaties of human rights by approving the charter of Islamic Human Rights Commission and has pledged allegiance to humanitarian aims for the purpose of carrying out all human rights cases. The sublime ideas and opinions of the founder of the Islamic Republic of Iran on important issues of human rights, public freedom, and constitutional principles of the Islamic Republic of Iran, attest this claim.

Theoretical principles of human rights and such public freedoms as human dignity and personal liberties as well as legal problems such as freedom of speech, freedom of the press, freedom of thought and religion, equality before law, the right to take part in the elections, the rights of women, the rights of religious minorities in an Islamic society, and the rights of political parties and groups all form important subjects of human rights the observance of which is emphasized by the Qur'an, the prophets, Imāms and their successors. It can clearly be asserted westerners' claims of the deficiencies of the Islamic system of human rights are utterly baseless and untrue. Using rich sources of Islamic jurisdiction as well as enlightening thoughts and views of our dear Imām, we can establish a prominent and complete system of human rights and constitutional freedoms without any need of western legal sources.

International Affairs Department
The Institute for Compilation and Publication
of Imām Khomeinī's Works

1

A Brief Look at the Similarities and Differences between Islamic Human Rights and Western Human Rights

Ḥujjat al-Islām Muḥammad Javād Ḥujjatī Kermānī

1. The necessity of discussion

Regardless of the negligence which exists in two terms of the Islamic human rights and the western human rights,[1] we are about in this paper to find the similarities and differences between what is known as western human rights reflected in the declaration of human rights as well as its attached conventions, and what is called Islamic human rights. The emphasis is on the similarities, however, and the differences will only briefly be delt with. What makes us put more emphasis on the similarities is that, like any other periods, man needs in the present era, peace and reconciliation among religions and nations. This is confirmed by the fact that within the last several years, dialogue among religions, particularly between Islam and

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Christianity, has increased and the meetings held have played undeniable roles in bringing the followers of the great religions together and in establishing connective links among Christian and Islamic philosophers, theologians and experts.

Moreover, the message of the president[1] of the Islamic Republic of Iran to the American people together with his theory of dialogue among civilizations makes thinkers talk more about and consider better connective categories and matters of mutual satisfaction and what is regarded the connective links of international law through holding meetings. Another factor proving the necessity of investigation of this matter is that twenty years after the emergence of the Islamic Revolution, in spite of clear and encouraging messages of the founder of the Islamic Republic of Iran, Imām Khomeinī, as well ■ the speeches of the present leader of the Revolution Āyatullāh Khāmene'ī, all on the common ideas of religions and civilizations, and despite what the president has notified the world of within the last one year and a half, still some tyrants and politicians of the world, are trying to undermine the Revolution and the Islamic Republic. They do not accept the Islamic Republic of Iran's claim of independence and freedom together with its invitation to observe the rights of the world's downtrodden and oppressed peoples, especially, those of the oppressed people of Palestine. With the aim of fulfilling their colonial and hegemonic intentions, they arouse nations' feelings against our government and its ideological principles. Accordingly, it ■ our duty and the duty of seekers of truth and reality, real finders of human prosperity and defenders of world peace and agreement between religions and dialogue of civilizations, to identify connective links of civilizations, religions and cultures, pave the ways for friendship and love among human beings in the whole world and apply them as an antidote against the hostile and anti-human propaganda of international imperialism and Zionism which live on hostility and discord among nations.

2. Approaches

Comparative studies of the western human rights and the Islamic human rights have for years been expanded and many books and papers have been written in this field. Western and Islamic experts hold three general approaches:

The first approach is that of complete rejection or perfect approval. Some of the Islamic thinkers reject the views written in the Universal Declaration

[1] Hujjat al-Islām Sayyid Muḥammad Khātamī, former president of the Islamic Republic of Iran.

of Human Rights, believing it is rooted in the human lusts and passions and even it is regarded as apostasy, looking for such rights only in Islam. Against them, ■ number of advocates of western human rights sometimes deem incomplete and even unjust the Islamic teachings. They either disapprove essence of Islam itself or believe that such issues in Islam have been limited to certain periods and places.

The admirers of western civilization, who exist everywhere including the world of Islam itself, hold the second approach. They are believers who despite believing do not recognize anything except the Universal Declaration of Human Rights. Those who believe in such religions as Islam think the issue of human rights as something outside religion's domain and if they believe that religion has some responsibilities in this world, they regard this category as something not yet reached the level of maturity during the emergence of the religions. Religions, hence, in their opinions, are only expressions of general divine teachings, and if the religions have talked on this category, it was only proportional to their own era, and these teachings can never be generalized to all periods including ours. Among these, the most religious ones are those who believe religion is too elevated to intervene in such problems toward which, in their opinions, religion principally has no responsibility and God has given decision-making about it to human beings themselves. This very theory believes, in the realm of politics, that religion is separate from politics, and does not consider this problem a flaw but perfection of religion. This group believe that religion's domain is too worthy to interfere with affairs of this world. What has made them face difficulties; however, is certain clear case differences, which exist between the Universal Declaration of Human Rights and the Qur'anic text and religious facts. At the end of the paper, these cases will be addressed.

The third approach is an in-between approach, which discovers between the western human rights and the Islamic human rights similarities and connections in sources, fundamentals and materials, believing that similarities are more than discrepancies.

2. The approach of this paper

This paper holds the last approach, being about to show that the enumerated rights have common things even in source, which are the overall theoretical and ideological infrastructures. It is necessary here to give a short explanation on three terms of legal resources, fundamentals, and material. As it is claimed for writing legal laws, we have to first know the sources and then extract the legal principles, and finally deal with compiling the legal

material.[1] For instance, one of the articles of the Universal Declaration of Human Rights states that all people are equal before law. This article has a content which is justice. The basis of justice is originated from ideological and general views which are known as source.

4. General and common source of the western and Islamic human rights

The origin of appearance of rights seems to be different in divine and materialistic schools. The jurists, who do not hold divine source for the rights, believe that it has taken form by man's conscience and reason, which can distinguish, in social and individual domains, between goodness and evil. John Jacques Rousseau, for instance, in Emile, regards conscience as the eternal instinct, divine, celestial voice, just and benevolent judge and distinguisher of evil and good. On the other hand, however, followers of the prophets believe that the prophets have disclosed these rights to the human beings under God's command. Nonetheless, it seems that these two perspectives are not contradictory, and that each completes the other. On the human self, the holy Qur'an expresses: "*And a soul and Him that perfected it. And inspired it (with conscience of) what is wrong for it and (what is) right for it.*"[2]

This verse clearly speaks of the essential inspiration which God has bestowed upon every individual, showing him the path of good and evil. From the Qur'an's perspective, accordingly, the human self or conscience or reason, through divine inspiration can distinguish between paths of good and evil. On the other hand, inspiration is a sublime category, which can be embodied only in the superior souls and reasons. In other words, the revelation and the prophethood, are the pinnacle of growth of human reason and is particular to those who posses superior souls and reasons. Therefore, our scholars have called the last prophet, the Universal Reason. Instead of inducing contradictions and inconsistency between these two sources, it is better, as a result to find the connective links between them, which is emphasis on the human soul, reason and conscience. The only significant difference, of course, is that in divine schools the human soul and intellect, has grown so extraordinarily and exceptionally in the superior human beings who are in fact the prophets that it has deserved to receive the divine revelation. Divine schools have emphasized indeed on the human intellect, an intellect which with the aid of divine revelation, has been able to receive directly the actual and the right completely. While there are probably errors

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[1] From Āyatullāh Jawādī Āmolī's speech.
[2] *Sūrah ash-Shams* 91.7-8.

and deficiencies in the works of other intellectuals even in those of philosophers, jurists and thinkers having innovations and new schools. This view is also fulfilled by the ideas of precursors of the western innovative thought. Elsewhere in Rousseau's writing, it is written:

> "In order to discover the best possible law for the people, universal (general) reason is needed. A reason that sees the human passions but not affected by it, one which knows nature well but has no relation with it, and its prosperity is not that ours but it helps us obtain prosperity."[1]

We add to this, that this universal reason, with the characteristics Rousseau mentions for it, is embodied in the divine prophets, although Rousseau's meanings imply that he had God in mind.

2. Common principles

a. Unity of mankind

The foundation and principle of the first human rights declaration, was the unity of mankind. Not only this view is not different from religious view, it can be said that it is directly or indirectly taken from it. Since, according to the ways that the Holy Qur'an addresses man like "*O mankind*", "*O man*", "*O people*" and the like, in the Qur'anic view, the human beings are a unit. This claim is confirmed also by this blessed verse: "*O mankind! Lo! We have created you male and female, and have made you nations and tribes that ye may know one another.*"[2]

Moreover, what has been delivered to us through words and practices of the Holy Prophet and our other religious leaders are indicative of such a claim. We refer as an example to this famous sentence of the Prophet: "*you are all from Adam, and Adam is from soil.*" What is written in the Human Rights Declaration is originated from a general and ideological view, dominant during completion of the Declaration. It means that after the Second World War, compilers of the Human Rights Declaration believed that the human family was a unit and has common benefits and losses. This view had roots in their world views upon which they saw the outside reality as such. The theory of unity of mankind is based upon the reality of the creation. Here we come to the connective link of the Islamic human rights and the western human rights because in Islamic viewpoints as well, human family is a unit bearing similar benefits and disadvantages.

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[1] Rousseau, social contract, p. 81

[2] *Sūrah al-Ḥujurāt* 49:13.

a. Man's inherent honor

Another common source of human rights from Islamic and western views is mans inherent honor and value. "Verily we have honored the children of Adam"

It is seen that in the preamble of the Universal Declaration of Human Rights, recognition of intrinsic dignity of all members of human family and their honor and value is talked about. We believe that this Declaration has been directly or indirectly affected by the Qur'anic teachings or at least they are both compatible with sound reason and sublime intellect of human beings. A profound difference, which we believe exist between these two, is that one is originated directly from revelation while the other is connected to the revelation source through several links.

a. The individual and the society

Among other connective links of the Islamic human rights and the western human rights is the problem of the individual and the society, as well as social and personal identity of human beings. Regardless of the theoretical and philosophical discussions related to the authenticity of individual and society, in the western human rights and the Islamic human rights, means and institutions for protecting the benefits of each against violation of the other is thought out. What is interesting is that contradiction of the members of the society means the conflict of individual with individual on that of their benefits and the conflict between the benefits of society and those of individuals can be settled by social institutions. This several-thousand year old experience, has made man establish the institution of the government, giving it power and legitimacy for the purpose of giving order to the relationships of the individuals with each other and with society. There exist a good many similarities and connective links between human written laws (*lex scriptum*) and what is written in the Book and the Tradition, which to be brief; we do not further mention it here.

2. Common material

In addition to the foregoing within which sources, principles and the origin of human rights emergence were investigated, connective links of the Islamic human rights and the western human rights can also be investigated. The following three items, for instance, can be mentioned: a) life, b) freedom, and c) justice.

a. Life

Some Islamic scholars divide life into two; material and spiritual parts and think that attention to spiritual life in Islam and disregard for it in the western human rights is an indication of superiority of the Islamic human rights over the western human rights. It seems, however, that in both western and Islamic views the right to life is meant the usual term of life of human beings that are once born and once die. Recognition of this kind of life (material life) is among the connective links of the western human rights and the Islamic human rights. Bloodshed and homicide are so evil in the Islamic view that killing a human being is regarded as killing all the human beings and the verse: "*Whoever killeth a human being for other than manslaughter or corruption in the earth, it shall be as if he had killed all mankind.*"[1] certainly refers to this conventional concept of homicide, although deep in the verse more general meanings can be implied.

b. Freedom

The only point we mention on the sublime value of freedom, which is among connective links of the two rights, is that in this realm as well, mystical and religious categories of freedom which include freedom from the bondage to passion and desires as well as that of submission to anyone but God, should not be mixed mistakenly with their prevalent concepts in the realm of human rights. What we mean is exactly the things, which have appeared in the Declaration of Human Rights on the fact that human beings are born free, the abolition of slavery and the right to life, to freedom and to personal liberty. It is noteworthy that principally man's (religious) obligation has its origin in his freedom. Man is a free and independent creature. Since he is wise and clairvoyant, he believes according to the principles of reason, in boundaries defined for his social and personal life. This reasonable and intellectual boundary in the process of mystical intuition and through the utilization of the divine revelation becomes pure, untainted and quite in accordance with reality. As it was mentioned earlier, when a member of humanity exceeds the usual boundaries, reaching the high points, he will have the possibility of obtaining clear and pure reality of the world as well as that of the rights, regulations and rules of life. Man who is a wise creature, as a result, limits his natural and original freedoms in social and personal levels, and hence, no human being belonging to any religions, faiths or cults, is lawless with no regulations. Accordingly, even if there are differences

[1] *Sūrah al-Mā'idah* 5:32.

between these two types of human rights, regarding the boundary and limit of freedom, the common reasonable and human principles of freedom's boundaries will not be affected.

In other words, the western human rights and the Islamic ones have created boundaries and limitations for their natural and intrinsic freedoms according to their particular worldviews and outlooks. Differences in bases and outlooks have caused divergences and sometimes conflicts in the instances of these boundary-makings. In pleasure-seeking western view, the limitations of sexual freedom are less compared with divine value-seeking view. In the western view, however, for applying this freedom, there are such limitations as those of rape and satiating the sexual desires in public and the like. The aim is to tell that even in the most unbound and free societies; human reason has not stopped working and has come to restrict freedom, though in small scale. In order to avoid any misunderstanding here, we remind that from Islamic viewpoint, western attitudes toward sexual freedom is a combination of whim and feeling. Even if it had intellectual foundations, this base would be, on one hand, mixed with unreasonable excessiveness and as a result dirty and, on the other hand, it would be a reaction against sexual impotencies (insufficiencies) and church authorities would consider the sacred subject of marriage a sin. This perspective is condemned in Islam, anyhow.

c. Justice

In the preamble of the Human Rights Declaration, it is asserted that disregard and contempt for human rights have resulted in barbarous acts, which have outraged the conscience of mankind. Also it is essential that human rights should be protected if man is not to be compelled to have recourse as a last resort to rebellion against tyranny and oppression. Articles of this Declaration include the following [illegible] well: prohibition of slavery (Article 4), prohibition of torture, cruel, inhuman or disregarding treatment or punishment (Article 5), equality of individuals before law (Article 7), the right to look up for competent tribunal in case the individuals rights are violated (article 8), prohibition of arbitrary arrest (Article 9), the right to be presumed innocent until proved guilty, (Article 11 1), prohibition of holding guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law (Article11-2), prohibition of depriving the individuals of their property arbitrarily (Article 17-1).

These cases in which connective links of the western human rights and the Islamic human rights are stable and firm, express only instances of application of justice and abolition of tyranny and oppression. The issue of justice and rightness in Islamic practical and moral teachings, is so extended that even the most elevated levels of existence, are ascribed to justice and this attribute itself, like other attributes, is His substance (Essence). To prove the transcendence of this category, the foregoing is sufficient, but the problem does not come to an end here. Justice's scope has pervaded the whole universe, while all the existence is liable to this universal and general category in a way that "*the existence is dependent upon justice.*"

On the other hand, human beings belonging to any religion, faith, cult and school, are seekers of justice and rightness due to their reason and conscience, abhorring tyranny, oppression and despotism in different religious, political, economic and cultural domains. What are included in the Human Rights Declaration represents just and to the point will of the human beings who, for the purpose of freedom from tyranny and oppression, have thought out a solution. This solution is in fact universal categories agreed on by all the wise and admitted by all religions including the sacred religion of Islam.

Based on the principle of conscience and reason, man endeavors to materialize in his social and individualistic life what has originated from God and is already current in the universe and proves to be the cause of its stability. In other words, he acts like the model of real and concrete presence of justice prevalent in the universe and takes out from an objective and natural fact, an arbitrary and conventional thing.[1]

On the justice, the Holy Qur'an states:

"*O ye who believe! Be steadfast witnesses for Allah in equity, and let not hatred of any people seduce you that ye deal not justly.*"[2]

"*And if you give your word, do justice thereunto, even though it be (against) a kinsman.*"[3]

This and similar verses shows the high position of justice in Qur'anic teaching. It can be said that what are presented in the Human Rights Declaration, are direct or indirect reflections of sublime teaching, which has enriched the human reason making it mature in the manifest religion of Islam and other divine religions.

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[1] Āyatullāh Jawādī Āmolī.
[2] *Sūrah al-Mā'idah* 5:8.
[3] *Sūrah al-An'ām* 6:152.

2. Points of difference

Here some parts of the Universal Declaration of Human Rights are being dealt with which seems to be different from Islamic views. We call both western and Islamic thinkers and scholars to talk over and discuss it:

1. All members of human family are entitled to equal rights (Preamble);
2. All human beings are equal in dignity and rights (Article 1);
3. Followers of every religion are entitled to all the rights and freedoms referred to in the declaration (Article 2);
4. Adult man and women, without any limitation to religion have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution (Article 16);
5. Every one is entitled to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief and freedom to manifest his religion or belief (Article 18);
6. Every one has the right to freedom of speech and opinion (Article 19);
7. All children, whether born in or out of wedlock, shall enjoy the same social protection (Article 25-2);

We suggest that these instances be discussed through comparing them with the Islamic rights.

In the end, we would like to mention an interesting point taken from sublime religious teaching, and can be a noticeable difference between these two rights. It might, however, be regarded irrelevant by a number of philosophers, jurists and politicians. But, since, in this paper the differences and similarities of the two human rights were discussed, we would regret not sparing a thought on the source and origin of the Islamic human rights, which is the right of God and His natural and divine will. This right is thought in Islam to be the base of all human rights. Although it was said earlier that human reason and conscience are God-given gifts, here we mean to refer to understanding and recognizing God and confessing the fact that His Sacred Essence is the origin of all rights. On this, we present one of words of Imām Zayn al-`Ābidīn `Alī ibn al-Ḥusayn who believed that all the behaviors and attitudes in man`s life are dependent upon divine rights and God has made performance of them incumbent upon man, he states then:

The greatest right of God is indeed the right which God has allocated for Himself, a right which is the origin of all rights, and from which all other rights have originated, from top to toe. This great right of God is that you worship Him alone, not appointing partners for Him.

2

An analytical and critical approach to the Cairo Declaration of Human Rights in Islam

Dr. Ḥusayn Mihrpūr

1. An overview of principles and content of the Universal Declaration of Human Rights

Universal Declaration of Human Rights is to a large extent influenced by principles and concepts included in the Declaration of Citizens and Human Rights of France. This declaration puts emphasis on the identity and intrinsic dignity of man whose rights and basic freedoms are known to him with no reference to ascribing the origin of these rights to God. While God's name is mentioned in the introduction of human rights declaration of France, no reference is made at all to God in this declaration. While talking of the first article of the declaration, the Brazilian delegate proposed that the second part of the first article which reads "they are endowed with reason and conscience and should act toward one another in a spirit of brotherhood", be written as "God created everyone equal and granted the intellect and conscience…", but representatives of some other countries disagreed and said that there should be no mention of God and the divine laws in documents relating to the

United Nations and hence God's name was eliminated from the mentioned article.[1]

Human rights in the universal declaration do not take its legitimacy and rightfulness from God's command, but from the will of the United Nation's General Assembly and based on consideration of public interests. The goal of the compilers of the declaration has come to be known as providing necessary grounds for social internationally, and respecting human rights as an indispensable means of preventing conditions in which man is compelled to recourse to force and oppression. In the introduction of the declaration one reads: whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, the human rights should be protected by the rule of law.

It can be said, however, that declaration of human rights is philosophically based on personal liberty and like human rights of France, believes that man is free on condition that he doesn't violate others rights. Practically, providing and appropriate social life requires that articles of declaration of human rights be observed. As an example during the devastating world wars I and II, it was proved that non-observance of these rights would lead to rebellion, riots and uprisings against force, oppression and discrimination. while peace and ease of international society's life in endangered. A declaration has practical and applied objectives and principally has nothing to do with man spiritual development and providing his eternal prosperity. Cited in the rights and freedoms of the declaration together with invitation to knowing and respecting them mean to enable the international community to live in peace and reconciliation and members of the international society enjoy, if possible, their inherent human rights. Thus, causes of insurgency and recourse to force are removed. The declaration can be said to consist of three parts: part 1, from Article 1 to Article 21, expresses the rights as well as political and civil freedoms of the individual. In this part, mans freedom and right, is more addressed and dealt with in comparison with human rights declaration of France.

Most important examples are the right to live. abolition of slavery and freedom, equality in enjoying the support of law, equality before court, the prohibition of arbitrary arrest. the prohibition of torture and ruthless and inhuman punishments, doctrine of innocence, the right of choosing spouse and complete agreement for marriage, freedom of thought, conscience and selecting or changing ones religion, freedom of speech and freedom of

[1] Adīb Sāmī, "*Muslims and Human Rights*", 1994, p. 35.

participating in the public affairs of the country. The important point in this part, however, is that without any discrimination these rights and freedoms should be applied to every member of man kind with no regard to race, language, sex, and religion. Difference in race, language, sex and religion should not cause any discrimination in enjoying these rights. It seems that like a man who can have the right of life and safety, legal identity, the right of choosing his residence, nationality, spouse as well as the right of ownership, a woman should also have such conditions, and being a woman should not limit her from enjoying these rights. Likewise a theist and atheist, Muslim and non-Muslim, God-worshipper and idol worshiper alike, enjoy equally from the mentioned rights, particularly the right of free speech and taking part in the country's public affairs and holing jobs, regardless of their religions and beliefs. If applying limitations is unavoidable, it should equally be applied to all, not to the followers of particular beliefs and cults only.

Part 2 of the declaration, extending from Articles 22 to 27, is about economic, social and cultural rights further explanation of which is dealt with in the international pact of economic , social and cultural rights ratified in the united nations general assembly in 1966.

Part three of the declaration is concerned with putting into order and limitations of these rights with which the declaration has dealt precisely and with circumspection. Article 29 deems limitation of sung these rights allowable only when the rights of others, public order and moral circumstances are concerned. Putting the limitations into action is, meanwhile, dependent upon the laws made on the basis of three mentioned points of a democratic society.

Although the declaration has violated a good many rights and constitutional freedoms, it has not dealt with such rights as the right of nations self determination, and those of development at all. Further more as mentioned earlier, it has not s binding judicial nature and is regarded only as announcement of common terms acceptable to all nations. We hope that it will be accepted worldwide and become known one day as international legal regulations.

Having found its special place, universal declaration of human rights on which many comments are written, has come to be the basis of many declarations and treatises of human rights, creating much hope. Mr. Rene Cassin, one of the main compilers of the declaration has said:

It is the most important document man has achieved, it has produced in new era in the history of mankind, and it is the charter of freedom for the deprived and victims of cruelty and tyranny. It defines the limitations which

every powerful government should consider for the people under its rule, and above all, the declaration asserts that human rights should be guaranteed and protected by a legal regime.[1]

2. International pacts of human rights

Simultaneous with ratification of universal declaration of human rights in 1948, when legal document was not regarded binding; the United Nations general assembly asked human rights commission to put the draft of human rights treaty and that of its executive acts high on its agenda. After a great deal of discussion and controversy, two treatises were drafted respectively named international treaty of political and civil rights and international treaty of cultural, social and economic rights, both of which were ratified on December 16, 1968 by the united nations' general assembly (Face Sheet. No. P. 4, and Blue Book of the United Nations and Human Rights, PP. 38 & 229). The content of the declaration of human rights is in fact, included in two sections: section I is the political and civil rights and section II is the cultural, social and economic rights which are brought respectively in international treaty of political and civil rights and treaty of cultural, social and economic rights. These contents, however, sometimes are written in more detail and probably with changes in the text, as well as with such additions as the right of self determination, right of determining government and political system, and that of utilization of natural resources.

Political and civil rights treaties comprise an introduction and 53 articles, 27 of which are concerned with expressing the rights and freedoms and the rest are on organizational problems. Cultural, social and economic treaty, on the other hand, consists of 37 articles. The governments ratifying it have decided in gentlemen's agreement to be bound in carrying out its contents both in legislation and practice., and in giving the progressive report to the committees mentioned in the treaty periodically usually once every three years (for more explanation look at Human Rights in the International Documents, Blue Book of the United Nations and Human rights, from P. 323). Iranian government has recognized both treaties in 1354 AHS before the revolution and bound to comply with them. Universal declaration of human rights together with its two treaties is called universal human rights charter.

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[1] Droit De L'homme, Ibid, p. 87.

3. Human rights in religious view

It is not a wrong idea perhaps, to say that the real defenders and precursors of such fundamental concepts of human rights as man's inherent identity, the idea that he is born free, and his equality before the law and freedom as well as the abolition of discrimination are divine religions and the prophets. The significant discrepancy between religious standpoint of human rights and philosophical one is that religion is concerned with the individual as a man, his personal fate, prosperity and corruption, regardless of his relationship with others, while not leaving him alone. To religion, prosperity and spiritual promotion of every individual person is an aim. Religion is not indifferent to anti-person actions and to corrupt behavior and belief of man. Religion is concerned with the eternal prosperity of man, achievable through monotheism, obeying divine laws, practicing worship and religious practices, and of course, sound social behavior and observing the rights of others. From the school of human rights point of view, a person is not blamed for not believing in God, or worshiping and deeming sacred stone, wood, or any other things or for practicing any immoral activity not directly offending others and nobody should, therefore, limit him. In religions view, on the contrary, no one is left alone, but he should be guided and warned of the consequences of atheism. Although in religions viewpoint, human beings are identical in the essence of their nature. Monotheists and those obeying divine commands are not regarded as atheists, idol worshipers and those disobeying Gods commands. A person rejecting God values, following Satan and his own carnal desires, is regarded by the Qur'an as astray and are likened to dog. Those who don't open their eyes and ears, and don't see divine truths are likened, in Qur'an's view, to the animals and even worse.[1]

One important aspect of the Prophet's mission was giding mankind and inviting them to monotheism and spiritual purification. This, however, does not necessarily mean that in the view of religion, private lives of the people are allowed to be intervened in. It doesn't mean to make them believe in monotheism by means of governmental force, and punish them for their non-monotheistic beliefs. What religion means, on the whole, to express is that religions consider important improvement of individuals private lives, having appropriate monotheistic belief, proper personal morality and practicing necessary divine worships.

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[1] See *Sūrah al-A'rāf* 7:176-179.

4. Social dimension of religious view

Another responsibility of divine prophets and monotheistic religions is related to the aspect of life in this world and administering their social lives. On this, the best advocate of principles of freedom, equality of rights, de-discrimination and carrying out justice are teachings of the divine religions. The feature Qur'an depicts of the prophets consists of the defenders of freedom of thought, reasoning, proclaimers of justice who defend the rights of the downtrodden and are against tyranny and discrimination. The picture of the prophets enemies are depicted as arrogant rulers, unreasoning, dictating, who are for discrimination and class privilege among which there exist sometimes religious administrators. Idolatry, which essentially is strongly disapproved of in the divine faiths and particularly in the Qur'an and against which campaigns have been made, is the symbol of ignorance, radical blind bias, class privilege and tyranny. That is to say that the philosophy of the prophets mission is taken to be keeping justice and equality on which the Holy Qur'an says: *"We verily sent Our messenger with clear proofs, and revealed with him the Scripture and the Balance, that mankind may observe right measure."*[1]

The Qur'an reckons Pharaoh as one who calls himself superior on earth, dividing the nation into various classes, one who believes in class discrimination and a certain group is suffering his oppression. *"Lo! Pharaoh exalted himself in the earth and made its people castes. A tribe among them he oppressed, killing their sons and sparing their women."*[2]

Moses the divine prophet is sent by God on duty to clean the tyranny and save the oppressed and downtrodden. In *Sūrah Ṭāhā*, Moses and his brother are called to: *"Go, both of you, unto Pharaoh. Lo! He hath transgressed (the bounds). And speak unto him a gentle word, that peradventure he may heed or fear."*[3]

A major part of Jesus' mission was to fight against corruption of Jewish clergymen, since they misused the religion of God as a means of money making and coveting, while disregarding religious truths, ruling over people with hypocrisy. In characterizing these, the Qur'an says: *"O ye who believe! Lo! many of the (Jewish) rabbis and the (Christian) monks devour the wealth of mankind wantonly and debar (men) from the way of Allah. They who*

[1] *Sūrah al-Hadīd* 57:25.
[2] *Sūrah al-Qaṣaṣ* 28:4.
[3] *Sūrah Ṭāhā* 20:34.

hoard up gold and silver and spend it not in the way of Allah, unto them give tidings (O Muḥammad) of a painful doom."[1]

It is true that divine religions generally and Islam in particular claim to be universal, seeking to be all-inclusive and prevailing over all other schools: "He it is who hath sent His messenger with the guidance and the religion of truth, that may cause it to prevail over all religion, however much the idolaters may be averse."[2]

"And made the word of those who disbelieved the nethermost, while Allah's word it was that became the uppermost. Allah is mighty, wise."[3]

Still the main social aim of Islam is to set up system of justice and abolish discrimination and tyranny against all the humanity. It never means to introduce a privileged religious group which are privileged only due to their connection with religion, and capable of behaving discriminately toward others. In a good many verses of the Qur'an, justice, telling the just, putting into action justice even though to the disadvantage of one, are emphasized. For example; the following verse says: *"O ye who believe! Be steadfast witnesses for Allah in equity and let not hatred of any people seduce you that ye deal not justly. Deal justly, that is nearer to your duty."*[4]

It also goes ahead: *"O ye who believe! Be ye staunch in justice, with nesses for Allah, even though it be against yourselves or (your) kindred, whether (the case be of) a rich man or a poor man, for Allah is nearer unto both (than ye are). So follow not passion lest ye lapse (from truth) and if ye lapse or fall away, then Lo! Allah is ever informed of what ye do."*[5]

Although, in religious government, leadership and management of society is principally on the prophet, the pious and religious intellectuals, who are to be respected and obeyed, the most free and democratic governments are believed to be correct religious ones in which people democratically select, freely criticize and give opinions, and intervene and monitor the affairs. The most conspicuous characteristic Qur'an ascribes to Islamic nation, making them better than other nations, is invitation to good conduct and prevention of reprehensible deed whose general meaning is that people can and should enjoin the government in good conduct and forbid them from reprehensible deed by criticism. *"Ye are the best community that*

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[1] *Sūrah at-Tawbah* 9:34.
[2] *Sūrah at-Tawbah* 9:33.
[3] *Sūrah at-Tawbah* 9:40.
[4] *Sūrah al-Mā'idah* 5:8.
[5] *Sūrah an-Nisā'* 4:135.

hath been raised up for mankind. Ye enjoin right conduct and forbid indecency."[1]

Instead of showing off their chastity and competence to the people and expecting from them unquestionable obedience, pious governors and even the prophets and Imāms remind people, at times, of the possibility of making mistakes and ask people to express their own useful suggestions as well as critical views. The clearest instance of this problem is a word of Imām 'Alī who by criticizing his followers addresses them:

> "Do not treat with me as you treat oppressor governors. Do not flatter me and do not withhold telling the just word and do not think that it bothers me to listen to it. Then, tell your criticism and notifications, because I am a human being and human beings are subject to error."[2]

It can be said that during the powerful government of the Holy Prophet, and caliphate of the First Four Caliphs especially Imām 'Alī's government, which has been to this time, the most democratic kind of government, people lived in all aspects, in a free and reasonable society and played the most active roles in running the affairs of the country, and were able to give most easily their ideas and suggestions. Neither the increasing power, nor the great spiritual status of the prophet, Imāms and Caliphate, prevented people from giving frankly their opinions. On the contrary, as observed in Imām 'Alī's words, if the people behaved in a different manner, they would be reproached. Islamic governments, unfortunately, was soon handed to absolute governors and dictators who for consolidation of their influence and power, in addition to using force and power, sanctified their caliphate and guardianship, rendering it a taboo. They behaved in a way that people in the Islamic stat felt entitled to nothing but to absolute obedience, and dare to say nothing and give no opinions. Accordingly, is it said that religious autocratic government is the worst kind of autocracy, since it causes love of autocracy to be firmly rooted as a belief in peoples spirit, whereas this government is not in fact a religious one but is autocratic and dictator, who with the misuse of religion and incorrect understanding of religion and of some religious concepts, intend to consolidate their own absolute power. Reflection upon the method of Imām 'Alī's government, alone, especially considering his governmental instructions given in a letter to Mālik al-Ashtār, his governor selected by him for Egypt region, is enough to help us see how in a religious

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[1] *Sūrah Āl-e 'Imrān* 3.110
[2] *Nahj al-Balāghah*

government, mans freedom and rights are taken into account and should be respected. The rights of non-Muslims and the necessity of keeping away from tyranny are taken into consideration as well. While advising his governor to observe the rights of the nation, he says:

> "Be careful you don't hang on to them like a wild wolf and don't disregard their rights, since they are either your religious brethren or are of your kind."[1]

It means that, altogether, human beings and the rights of men should be respected.

In short, it can be said that apart from the important aspect of religions teachings and guidance, there is neither a great difference nor a clear disagreement between the criteria put forth by religious teachings and what the social scientists came to at the dawn of enlightenment and the dark night of the Middle Ages. One as a result should not panic at the emphasis and regard given to such freedoms as freedom of thought, faith, and that of role and intervention of people in the affairs of the government. If we fathom the social aspect of the prophets' mission as well as practical traditions of the prophet and Imām 'Alī (*'a*) and explore well their methods of government and probe different verses of the Qur'an, including those inviting the people to see the common things, and reflect upon the meaning of such verses as 62 of *Sūrah al-Baqarah*, "*Lo! Those who believe, in that which is revealed unto thee Muhammad, and those who are Jews and Christian and Sabaeans whoever believe in Allah and the last Day and doeth right surely their reward is with their Lord and there shall no fear come upon them neither shall they grieve,*" we will find out that the principles underlying the human rights of France declaration of human rights and those of world declaration of human rights are not dissimilar to religious principles. It may be concluded that the reason why principles of freedom of religion is emphasized is not as an opposition to religion but is in fact a reaction against ethnicity and racism of religions dominant in particular in the medieval Europe.

5. World of Islam's attitude toward problem of human rights

The world of Islam has passed three stages in treating the problem of human rights, which has been given form in France declaration of human rights and later in world declaration of human rights, stemming from the

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[1] *Nahj al-Balāghah.*

political philosophy of the west on freedom of thought and faith and formation of population.[1] The first stage was rejection of it because the freedoms contained in the declaration of human rights, particularly freedom of religion, and freedom in changing it and propagating any kind of cults and sects are against *sharī'ah* which thinks Islam the just religion, not accepting any other religion, holding conversion and apostasy great sins. On this the Qur'an says: *"Lo! Religion with Allah (is) the Surrender (to His will and Guidance)."*[2]

And also: *"And whoso seeketh as religion other than the Surrender (to Allah) it will not be accepted from him, and he will be a loser in the Hereafter)."*[3] Also:

"And whoso becometh a renegade and dieth in his disbelief: such are they whose works have fallen both in the world and the hereafter. Such are rightful owners of the fire; they will abide therein."[4]

The second stage or way o treating is justifying or accounting for it in which some scholars of the Islamic world, by accepting the principle proclaimed in the declarations of human rights, tried to compare them with Islamic rules and endeavored to prove that these rules and rights exist in the best possible and conspicuous way in Islamic teaching.

The third stage, inspired by the declaration of human rights, was to compile independently principles and rules accepted in Islam and to declare it as a declaration. Over 7 declarations or plans relating to the Islamic human rights have up to now been issued by the Islamic council of Europe, Kuwait summits, and organization of Islamic countries conference., while more than five models of Islamic constitutions have been issued, among which the constitution published by "The Islamic Research society of al-Azhar" in 1978 can be mentioned. Most of the declarations have been issued within the last 20 years from 1978 onwards.

Organization of Islamic countries conference has published three declarations of human rights, respectively named: declaration of constitutional rights and duties of man in Islam, published in Mecca in 1979, proposal of a document on human rights in Islam ratified and issued in 1981, by the Summit of heads of the organization in Ṭā'if, and Cairo declaration of human rights in Islam approved in the 19th conference in 1995 of foreign ministers of the members of Islamic conference countries organization held

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[1] Antonio Casse, *International Law in a Disunited World*, trans. Dr Kalāntarīyān, p. 337.
[2] *Sūrah Āl-e 'Imrān* 3:19.
[3] *Sūrah Āl-e 'Imrān* 3:85
[4] *Sūrah al-Baqarah* 2:217.

in Cairo. This proposal is in fact the newest and probably the most comprehensive and formal declaration of Islamic human rights which will be discussed later on.

6. Investigation of Cairo Declaration of Human Rights in Islam
Ratification of the declaration and its legal nature

Based on the material available on the Islamic human rights, experts of legal and judicial problems of the organization of Islamic countries conference introduced and worked on a plan the last draft of which was ratified in the summit of law specialists held in Tehran on December 26th to 28th, 1989. This drat was to pass its final ratification in the 19th summit of foreign ministers of the Islamic countries conference organization, the cited summit was held in the Egyptian capital Cairo on January 31st to august 5th, 1990. The summit ratified Tehran's draft with some modifications and revisions through a statement numbered 19/49p in which it is asserted. being aware of mans status a Gods successor on earth, and with regard to the importance that a human rights document can have in guiding the member countries in all aspects of life, and by investigation of the reports related to the mentioned document, particularly the report of law experts summit in Tehran, the 19th conference of foreign ministers of the organization of Islamic countries conference, agrees through issuing Cairo declaration of human rights in Islam to use as a general guideline on human rights, the cited declaration for the member countries.

As it is observed, organization of Islamic conference, ratified the Islamic human rights document not as a binding treaty or convention but as a declaration expressing common understanding of Islamic human rights, and the changes as well as some omissions and additions gave it air of world declaration of human rights. Several expert meetings and working groups have , so far, been held for discussing the declaration and the ways in which member governments can cooperate in order to put into action its articles. although it has been limited to declaration only up to now. The ratified declaration consists of twenty-five articles and an introduction, which begins with: reaffirming the civilizing role of the Islamic *ummah* which God made the best nation that has given mankind: it is also in the original text member states of organization of Islamic countries conference declare the following:

Different Arabic. English and French versions of the declaration, especially the English text published by the organization of Islamic countries conference in Geneva, begin thus and only the Persian version of the declaration, attached to the Arabic, English and French versions published by

the organization, begins with a longer introduction, having some additional page beginning with *"O mankind! Lo! We have created you male and female, and have made you nations and tribes that ye may know one another. Lo! The noblest of you, in the sight of Allah is the best in conduct."*[1] As well as the sentence: "member states of the organization of Islamic conference, by believing in God, creator of the world and the Lord of the universe..." It is not clear, though, why this addition exists in the Persian text while the other versions lack it. However, the English version received from the bureau of the organization in Geneva, attached to the resolution number 19/49p will be referred to as the main source.

7. General characteristics of the Islamic human rights declaration

Declaration of Islamic human rights is principally in the mode of universal declaration of human rights, stressing inherent respect and dignity of man mentioning some of the essential rights and freedoms, which are to be recognized and put into action. Some of the principles brought in the world declaration are also present in this declaration, sometimes similar in meaning and sometimes with some differences. A number of the rights, not or briefly mentioned in the world declaration and cited later in the pact of civil, political and economic rights, as well as that of cultural rights and in such separate conventions as children's rights and declaration of right of development, are brought in declaration of Islamic human rights as well. Some of the rights, meanwhile, are particularly emphasized and clearly asserted in the declaration of Islamic human rights which, among other things, prohibition of colonialism and the right to fight against it, the right of confronting aggressing of human life, the right of living in uncorrupted environment far from moral corruptions, having religious security in addition to other securities of life and family, and a mention of necessity of keeping human respect even after man's life and respecting his dead body, and finally prohibition of hostage-taking can be mentioned.

8. Equality in duty and responsibility or in rights

The main and general difference between Islamic human rights declaration and the universal declaration of human rights is that the latter, as was cited, has nothing to do with religion. For universal declaration of human rights, applied and practical aspects are important and the reason why in the preamble and article 1, it refers to the dignity and inherent identity of

[1] *Sūrah al-Hujurāt* 49:13.

man as well as his being born free, is that based on it, the declaration is expressing the rights to be implemented for all with no discrimination, giving no pretext for riot and rebellion and therefore, peace and security of life are not endangered. It, consequently, has nothing to do with provision of such maters as developing religious faith, protecting faith and correct idea, nor does it impose duties, because, altogether, a man living in a society and under the rule of a government is liable to binding laws of the government. Nonetheless, what compilers of the universal declaration of human rights were concerned about was the obscurity and subsequently, non-observance of human rights. The writers of the declaration felt bound to explain and clarify the principles. A comparison between article 2 of the universal declaration and article 1 of the Islamic declaration shows well the existing difference. Article 2 of the universal declaration reads: every one is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property , birth or other status… while article 1 of Islamic declaration refers to equality of human dignity for all and equality of responsibility and duty, while asserting the prohibition of discrimination in bearing responsibility and not in enjoying rights. Part 1 of this article says: All human beings form one family whose members are united by submission to God and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, color, language, sex, religious belief, political affiliation, social status or other considerations. Then it further adds: True faith is the guarantee for enhancing such dignity along the path to human perfection. It means that despite the fact that all human beings are equal in being the best creatures, those with right idea, have acquired more dignity and have taken over others on the acquired respect. Universal declaration, on the contrary, has nothing to do with this problem, not rejecting or approving of this matter. It insists, however, that no distinction should be made between two individuals with two different opinions, one correct, and the other corrupt. , and they should be treated equally in being entitled to the right to life, right to own property, and participation in the government of the country and the right to equal work, etc. This cannot be implied by article 1 of Islamic declaration and the declaration is not so clear on this, although article 24 later says: All the rights and freedoms stipulated in this Declaration are subject to the Islamic *sharī'ah* (the Islamic law), by which one can understand the declaration's meaning of difference and limitation in this regard.

9. The right to select and change religion

Another important general characteristic of the declaration is related to the right to select and change religion. Universal declaration stresses the right to select any religion and belief and right to change religion. Article 18 says:

> "Every one has the right to freedom of thought, conscience and religion; this right includes freedom to change religion or belief, and freedom either alone or in community with others and in public or private to manifest his religion or belief in teaching, practice, worship and observance".

Emphasis on this kind of freedom is also present in the documents prepared after the universal declaration of human rights, as in article 18 of international pact of political and civil rights; the ideas of the universal declaration are repeated with a little change in words in order to avoid assertion of permitting conversion and apostasy:

Article 18 of international pact of political and civil rights

Part 2 of the same article also states that:

Article 18-2 of international pact of political and civil rights

This idea is also available in article 1 of the declaration of the abolition of religious discrimination ratified by the United Nations general assembly on November 25, 1981.[1]

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[1] Blue books of United Nations and human rights, p. 291. it is noteworthy that reference to the right to change belief and religion in declarations and documents of the human rights has always been controversial. While article 18 of declaration of human rights which is about the right to freedom was put forward, Lebanese representative [illegible] the united nations suggested that the right to change religion be added and he stated the special conditions of his country which has come to be a shelter for many people who have been persecuted because of changing their faith, were the reasons of his suggestion. Other Muslim countries, however, showed strong reaction against the proposition, particularly delegates of such countries as Saudi Arabia, Iraq and Syria. Saudi representative referred to the misuse of religious missionaries who were the pioneers of economic and political invasion of the European countries to Islamic countries, and suggested that only the right to freedom of faith be state with [illegible] mention of the right to change belief

The Egyptian representative, however, remarked, the use of this condition (the right to change faith), unwontedly encourages religious intrigue known well [illegible] the west, whose aims are to make apostate the Muslims of the east.

These very discussions are also made when article 18 of international pact on civil a political rights was being discussed. Egyptian and Saudi representatives insisted that the phrase, the right to change religion and belief, be removed. With suggestion of the representative of Brazil and the Philippines, finally, it was agreed that the right to change belief and faith, be replaced by the phrase: having or accepting a faith. In bringing the declaration of abolition of religious discrimination in 1981, once again these discussions and controversies were made. This time, ambassador of the Islamic republic of Iran, which had

Now let's see how the Islamic declaration of human rights treats this problem:

In expressing Islamic view on human rights, is one entitled to select any religions without any fear of persecution and deprivation of some essential rights, no worrying about announcing or openly expressing it? The declaration, unfortunately, has not held any idea on this problem. Article 10 of the declaration has stated something that is in fact an example of article 18 of the universal declaration of human rights. Asserting that Islam is the religion of nature, this article says:

> Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism. Whether or not it is possible to force an individual to convert to Islam, or ■ a Muslim entitled to change his religion is not clarified in this article. As we know, apostasy and conversion from Islam, is strongly condemned and according to current judicial decrees and judgments, the apostate is sentenced to death, his wife divorced, having to keep *'iddah* [waiting period], and his properties distributed among his heir.[1]

However, articles 10 and 1 are ambiguous in that people aren't free in changing from Islam to other faiths and religions or to apostasy it ■ justly criticized that why a document intending to express essential rights and freedoms, from Islam's point of view and compare them to the rights presented in the universal declaration of human rights has not clearly and openly dealt with this problem. It would be to the point, had judicial experts of different Islamic schools worked on such fields and clarified if the government can interfere with peoples beliefs and persecute people on the grounds of corruption of belief and apostasy and renouncing religion(and not because of operations against the government), and then deprive them of some rights. While from Islam's standpoint, adopting any belief should be accompanied by clear-sightedness and reason, far from blindly imitation and

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been formed by the victory of the Islamic revolution joined the opponents of this freedom and disagreed with the mention of the right to change faith. Iraqi ambassador, representing Islamic countries conference organization, declared the right to reserve any regulations and laws against Islamic law. Egyptian ambassador declared that the atmosphere dominant in this declaration is religious toleration and it should well be known that under the pretext of this declaration and freedom of religion no one can interfere with home affairs of any country. See *Les Musulman Face Aux Droit De L'homme*, p. 104.

[1] *Sharh al-Lum'ah*, vol. 5, p. 230.

principally, *"There is no compulsion in religion,"*[1] and even the Holy Prophet is addressed by the Qur'an that he cannot force people to believe; your duty is only to guide and enlighten them.[2] Rejection or confirmation of this problem had to, after deep investigation of jurisdictional foundations and coming to an Islamic viewpoint, be clarified and a position held clearly in the declaration.

10. The source of government's power

Another problem is the difference of the source of power and government between the two declarations. In part 3 of article 21, universal declaration of human rights asserts: the will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote, are by equivalent free voting procedures.

This article is based upon a socio-philosophic assumption that man can basically determine his social destiny and no one, as superior, has domination and control over another. However, since man is naturally civilized and social, he is required to control his social life through cooperation and agreement and in this regard, members of every society participate in regulating and arranging the affairs of their society by taking part in the elections and casting ballots, voting for individual, who as their representatives, have the executive and administrative power, and whenever they deprive them of their vote, they will have no legitimacy to continue governing, constitutional law of the Islamic republic of Iran, has, in a sense, accepted such an idea for the period of the absence of the infallible Imām at least. Principle 56 says:

> "Absolute sovereignty over universe and man is due to God, and He alone has made man dominant over his own social destiny. No one can deprive man of this divine right or give it to a certain group or individual. And the nation applies this God-given right accordingly to the principles which follow."

These rights are applied through electing parliament members, taking part in referendum for confirmation of important laws, electing president and participating in different councils and even electing the members of Assembly of Experts whose chief responsibility is to select and determine the

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[1] *Sūrah al-Baqarah* 2:256.

[2] See, for instance, *Sūrah Yūnus* 10:99, 108.

leader. Refer to the principles 58, 59, 60, 62, 107, 108, 114 of the constitutional law of Islamic republic of Iran. Islamic declaration of human rights, regards the power of the government as a trust, given to the governor or the governing corps, and it is necessary not to misuse the trust. Autocracy, dictatorship, and any other kinds of misuse of power, are regarded breach of trust and are, hence, forbidden, when the trustee violates trusteeship, he loses his legitimacy. Part 2 of article 23 of the Islamic declaration states: authority is a trust and abuse or malicious exploitation thereof is absolutely prohibited, so that fundamental human rights may be guaranteed.

It is not, however, asserted in this article to whom and by whom and how this trust is given. Is it bestowed by God, or people themselves, through their own selection, have handed this trust to the governor or governing corps. It is possible that this article is rendered ambiguous and unclear intentionally so that it can be interpreted in both ways, because of the difference which appeared between Sunnī and Shī'ah schools after the holy prophet. The content of this article was more extended in the draft. Following the mentioned part A, it was written: whether this trust is believed to have come from God, as the Shī'ītes believe, or from people, as some of the Muslim schools believe, or both after which the interpellation by people and their interrogation had been discussed.

11. Clear abolition of slavery

As we know the abolition of slavery has appeared in article 4 on the universal declaration. What is important, however, is that firstly in the Islamic declaration, all kinds of slavery and servitude are forbidden as in international pact on civil and political rights, and secondly, despite the fact that even today a kind of slavery relating to the apostates captured by troops of Islam during war is known permissible (for more explanation read Islam and Human rights by the same author published in the Journal of Foreign Policy of Foreign Ministry, 10th year, no. 1, spring 1375) and defended by some of the religious experts, the declaration has absolutely forbidden it, and this of course is worthy and admired.

12. Recognition of copyright

Another right recognized in the Islamic declaration, which is in itself, a great change is the recognition of copyright, or the use of scientific, literary, artistic and technological productions. This right is recognized and written in part 2 of article 27 of the universal declaration: every one has the right to the

protection of the moral and material interests resulting from any scientific, literary or artistic production of which is the author.

Recognition of this right, however, has always been and is controversial from an Islamic viewpoint. Some of the jurists, like the late Imām Khomeinī, apparently negate the stated right, believing that what has become to be known as copyright, is not considered canonical right... And therefore, publishing a book and writing "all rights reserved" does not bring any rights from *sharī'ah* aspect, nor does it direct to the obligation of others."[1] Hence, the others can copy it and imitate it, and no one can prevent them. Some, are doubtful about its legitimacy, on the grounds that no annals on the validity of such a right exists in religion, saying that even during the life of the holy legislator, there existed such things as compilation and invention, but no rights were granted to the benefit of the author, inventor and researcher, and the legislator himself, has not granted such right as well.[2]

Some of the jurists, however, have considered it a reasonable right the observance of which is necessary.[3] There, still exists controversy over its legitimacy and much thought on joining the conventions related to artistic, literary and related rights in Islamic and jurisdictional circles. This declaration is a step forward in recognizing and regard for this right among the human rights in which Islam believes. Article 16 states: Everyone shall have the right to enjoy the fruits of his scientific, literary, artistic or technical production and the right to protect the moral and material interests stemming there from, provided that such production is not contrary to the principles of *sharī'ah*.

13. Equality of rights of men and women

One important subject in human rights is the problem of equality of the rights of men and women or the discrimination in enjoying the rights with regard to sex. As reminded earlier, article 2 of the universal states the right to enjoy the freedoms and rights of this declaration irrespective of any factor including sex, following the universal declaration, pact on political and civil rights, convention of elimination of discrimination against women, the fourth international women's conference, and tens of other declarations and resolutions, all emphasize the fact that difference in sex, should not be a factor of discrimination in enjoying the rights and freedoms, that is to say, no one should, due to being a woman, enjoy less rights, freedoms, and values.

[1] Imām Khomeinī, "*Taḥrīr al-Wasīlah*", vol. 2, p. 625.
[2] Ḥamīd Āyatī, "*The Rights of Thought Creations*", p. 17, quoted from Āyatullāh Ṣāfī.
[3] *Ibid.*, p. 70, quoted from Āyatullāh Muntaẓirī and Āyatullāh Makārim Shīrāzī.

Clear examples of these equality include: the rights to freely select a husband, enjoy authority equal to men's for marriage, the responsibility f married life, dissolution of marriage, and also the right to be provided with equal facilities for education, holding jobs, intervening in the government of their country, achieving ownership, and independence in being on one side of a contract or deal, etc.

In expressing one of these examples, article (16-1) of the universal declaration says: men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution. The Islamic declaration has emphasized the equality in human dignity of men and women. Article 6 of the Islamic declaration thus states:

(a) Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage; and

(b) The husband is responsible for the support and welfare of the family

Article 5 of the Islamic declaration considers equal rights for men and women and asserts that race, color and nationality should not limit marriage, however, no reference is made to religious considerations, since marriage of a Muslim with an infidel is not allowed and the Muslim women can, by no means at all, marry an infidel man.

14. Accordance with Islamic law

Another special characteristic the Islamic declaration has, is that all the cited freedoms and rights are required to be in accordance with the Islamic law (*sharī'ah*), as in article 24 it is stated that: All the rights and freedoms stipulated in this Declaration are subject to the Islamic *sharī'ah*.

Indication of this article thus, especially despite difference which exists between different Islamic faiths and schools is liable to criticism; because it is probable that some of these rights and freedoms may not be in accordance with some Islamic schools. Some, for example, may think copyright, not in accordance with Islam, etc. How is it possible, therefore, to recognize and declare the already mentioned right as human rights from Islam's view in the declaration once there is no doubt on their accordance with Islamic laws? These rights can be declared Islamic human rights only when there is no doubt as to their accordance with the Islamic law and through a common understanding of them. However, it can simply be stated that the interpretation and generalization should not be in ways which are against the Islamic law.

15. Innovations of Islamic declaration of human rights

Some of the rights stated in the Islamic declaration are not mentioned in the universal declaration. A number of these innovations exist in other international documents like pact on civil and political rights, international pact of economic, social and cultural rights, and convention of elimination of discrimination against women. They also exist in documents related to amicable human rights during war, appeared in international regulations of war and Red Cross. The already mentioned rights can be observed in articles 7, 3, 12, 20, etc. what is especially new, however, in this declaration, and of which no mention is made in the universal declaration and other international human rights documents arranged under the supervision and teaching of the westerners, is article 11-2 which his the right to struggle against exploitation. This article says: "Colonialism of all types being one of the most evil forms of enslavement is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-determination. It is the duty of all States and peoples to support the struggle of colonized peoples for the liquidation of all forms of colonialism and occupation, and all States and peoples have the right to preserve their independent identity and exercise control over their wealth and natural resources." Another special right written in Articles (17-1) and (18-1) refer to provision of religious and spiritual conditions. Article 17 states:

> "Everyone shall have the right to live in a clean environment, away from vice and moral corruption, an environment that would foster his self-development; and it is incumbent upon the State and society in general to afford that right." While article 18 asserts: "Everyone shall have the right to live in security for himself, his religion, his dependents, his honor and his property."

It can be claimed, on the whole, that other rights and issues appeared in the Islamic declaration, are stated in one way or another, in the universal declaration or other human rights complementary documents inspired by the universal declaration. Apparent feature of the Islamic declaration is that it connects each one of these rights to their Islamic and religious origins while making sure of their agreement with canonical law. That, altogether, indication and mention of these rights are inspired and affected by the universal declaration cannot be denied.

Conclusion

Cairo declaration of human rights was an effort made by the Islamic world in order to show their Islamic identity world wide and to introduce Islam's view on the rights people can enjoy and governments should guarantee. As observed in this short research, no significant difference exists between criteria of the universal declaration and those of the Islamic declaration. A number of rights overlooked in the universal declaration, were dealt with in the Islamic declaration, the implementation of which involves complications and details, that is, regard to spiritual growth and perfection and boosting morality, spirituality and human rights on which the Islamic declaration has put emphasis, and of which no mention is made in the universal declaration of human rights. The main difference between the two declarations is related to the religions role; the universal declaration has nothing to do with religion, it neither negates and rejects it, nor shows any regards toward its justness or unjustness. It believes all people are free in adopting, selecting, and changing whatever belief and religion they wish and holds this freedom one of the most essential rights of human beings. It propagates the idea that not only should people be free in adopting any religions, with nobody compelling them into admitting a particular religion or into not changing the belief to which one is known to belong, but also believing in a religion should not cause any discrimination, in putting into action the declared rights. The only limitation in applying these rights and freedom is the law. In every democratic society, based on respect for the rights of others, public order and maintaining correct moral requirements, only these factors can effect limitation (Article 29). In the Islamic declaration, however, the important role is played by religion by means of which the rights and freedoms included in the declaration are evaluated: and if they accord, they are recognized as human rights. Recognized as one of the human rights, is the right to have correct Islamic belief and faith conforming with the nature, and in order to apply this right, required ways should be paved, no body being compelled into giving it up. But, changing Islam is not recognized as a right and hence, is not permissible. Moreover, while believing in the equality of all human beings in the human honor, not taking into account the factor of religion in identifying this reality, the declaration has not asserted the equality in implementation of these rights and freedoms of all people irrespective of their religious tendencies, and here less the difference between the two declarations. Islamic declaration of human rights should clearly and without irrelevant considerations, clarify its own position, so that Islam's views are illuminated. The human rights originated from

universal declaration, have proved a universal religion, showing indifference to and disregard for religion and human rights of Islamic declaration, based upon a certain, religion, Islam, should announce clearly its position in order to be able to prove its capacity of becoming universal and internationally applied. This requires much effort. True that the universal declaration has not been successful in achieving its goals, not able to put an end to discrimination in any field, and prevent the violation of freedoms and rights and even western governments as its defenders and creators, have sometimes, acted particularly toward third world countries with negligence and no regard for applying its article, but, this doesn't guarantee in itself, the success of Islamic declaration of human rights. Much effort and innovations are required in this regard. It would be a great achievement, if with the aid of establishing executive committees, we could find necessary approaches for applying the articles of declaration especially those related to civil and social rights and the right to take part freely in the governments of their countries and convince the Islamic governments to apply them. We hope organization of Islamic countries conference will take necessary actions in this regard.

3

The Relation between Islam and Democracy from the Viewpoints of Religious Authorities

Marḍiyyah Amīrī

Abstract

From the beginning of development in man's civilization and culmination of human society, when the governments were founded, every government has adopted a certain model for administering the society under its rule. One type of government is democracy whose roots date back to ancient Greece and with the course of time has undergone much change. It has now come to be the superficial form of government in most of the western countries under the name of government of the people over people. After the Islamic Revolution of Iran, whose late founder Imām Khomeinī, considering people's will, declared the government as Islamic Republic, the world was taken by surprise and could not make out the reconciliation between a religious government and republicanism, and regarded it as an utter paradox. Likewise, some of the admirers of the western democracy regarded the reconciliation between Islam and democracy a kind of paradox and anomaly. This paper is a review of the enlightening viewpoints of Imām Khomeinī and those of some other Islamic scholars on this matter, with the aim of making though little effort in resolving this paradox.

Introduction

From the beginning of the Islamic Revolution and formation of the Islamic Republic by the Revolution wise leader, Imām Khomeinī, a question has always been raised by the world's politicians and mass media reporters: what do you mean by this kind of government? Is it a conservative government based on the religious ideals? Is it a communist government or a capitalistic one? Is it possible to talk of democracy in a regime that is based on single religion and faith that is Islamic?

In answer to these questions Imām Khomeinī used to express his ideas in short, and in many cases left the comprehensive answer of these questions to other scholars among whom, Martyr Muṭahharī has expressed most ideas.

Two decades after the glorified Revolution, with regard to the doubts raised on the problem of republicanism of the Islamic government, and on the reconciliation of Islam and republicanism and democracy in an Islamic system, it is worth analyzing, however briefly, Imām Khomeinī's views as well as those of 'Allāmah Ṭabāṭabā'ī and Martyr Muṭahharī and those of other religious eminent personalities.

The concept of democracy has undergone much change, from the time of its appearance in the Metropolis of the ancient Greece in which democracy meant direct involvement of people in government up to now for which no exact and comprehensive definition, despite its defender's claim, is presented. In different sciences, hence, the notion of democracy takes different meanings. However, the concept of democracy, which has entered other domains as well, producing such concepts as economic democracy, social democracy, etc, ■ principally related to the realm of politics.

What prevailed and became known ■ political democracy, regardless of its deficiencies and severe consequences was that defined by Abraham Lincoln who thought democracy as "*government of the people, by the people, for the people*"[1]. Which minus the role of religion, it is accepted today. Although democracy does not necessarily negate religion, its role is so highly disregarded in law-making that it has practically led to its elimination.

Believing that democracy is part of Islam and that from Islamic point of view people are free in both thought and action, Imām Khomeinī does not separate democracy from Islam.[2] Islam is indeed an advanced and democratic

[1] Dāriyūsh 'Āshūrī, "*Dictionary of Political Terms*", Morvārīd Publication, Tehran, 11th edition, 1375 AHS, p. 88.
[2] *Ṣaḥīfeh-ye Imām*, vol. 5, p. 468.

religion. Islamic laws are progressive and entail freedom, independence and advances.[1]

The late 'Allāmah Ṭabāṭabā'ī says on this:

"Some think that the westerners have gifted to man freedom, democracy and human rights, while 1400 years ago, before anyone else, Islam offered in the best possible way, those things through its rich teachings. But the west, through its unjust propaganda is making societies and nations think that they brought human rights."[2]

Imām Khomeinī says on this:

"In order for the people of the world to know what Islamic means, Islam's laws should be made known to all. They did not let Islam to be known. They deluded our youths. They did not let the youths know what Islam is, what law it has, what commandments God has given to us, what He has given to us. If they let each one of these laws together with their political, economic and other problems be put into action, they will understand that neither their hollow democracy nor their human rights is a match for true Islam. Their philanthropy should be compared with that of Islam."[3]

He also says:

"Our ideal democracy might be similar to that existing in the west. The kind of democracy we want to establish does not exist in the west. Ours is complete compared with that of the West."[4]

Martyr Muṭahharī, also believes that the true-born form of democracy is offered by Islam and goes on to use as a witness to his assertion and regards it a social, practical monotheism, which, in his opinion, is equal to freedom and democracy. Professor Muṭahharī then concludes that:

"As you can notice, there exist personal liberty and democracy in Islam, of course with the difference that exists between the Islamic thought and western thought."[5]

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[1] *Ṣaḥīfeh-ye Imām*, vol. 5, p. 353.
[2] Muḥammad Ḥusayn Ṭabāṭabā'ī, *Al-Mīzān*, vol. 6, p. 506.
[3] *Ṣaḥīfeh-ye Imām*, ibid.
[4] *Ṣaḥīfeh-ye Imām*, ibid.
[5] Murtaḍā Muṭahharī, "*About the Islamic Revolution*", Ṣadrā Publication, p. 99.

As for the Islamic principles and Imām Khomeinī's ideas, Martyr Muṭahharī as well as other thinkers has maintained that the Islamic and the western democracies have substantial differences while in some of the principles, they are clearly antithetical. These discrepancies manifest themselves more clearly in the origin of freedom, regard for man's freedom in spiritual and material aspects, the way of looking to individual and society, and fundamentals of legislation.

1. Differences in the origin of freedom

The Islamic democracy is based on the freedom of man but this freedom is not limited to freedom of passions and carnal desires. That is the very subtle point of difference between the prophets' schools and human schools which, in Martyr Muṭahharī's view their difference lies in that "The prophets have come to grant to man spiritual freedom in addition to social freedom."[1] He believes that one cannot provide spiritual freedom but through prophets, religion, and divine books.

"That we say democracy exists in Islam means that Islam wants to grant to man real freedom-limiting brutality and freeing humanity."

From Islam's point of view, freedom and democracy are based on what man's human perfection requires, that is, "freedom is the right of man due to the fact that he is man", the right of man's human potentialities and not the right of the individuals' desires and their passions. In Islam democracy means the freed humanity.[2]

Elsewhere he says:

> "Democracy's role, on the whole, is to provide freedom and Imām 'Alī's caliphate is the best witness to this. Imām 'Alī not only did not suppress people in order to deprive them of the right of criticism under the pretext that they cause confusion and disorder, but invited them to criticism."[3]

As he says in one sermon:

> "Do not talk to me as if you are talking to an oppressor king and do not treat me like when you are talking to an angry person. Do not treat me in collusion matter Do not think that the just word does harm to me and lest you do not tell the right thing for the purpose of respecting me like a person

[1] Murtaḍā Muṭahharī, *Spiritual Speeches*, Ṣadrā Publication, 10th edition, 1371 AHS, p. 19.
[2] Murtaḍā Muṭahharī, *About the Islamic Revolution*, ibid, pp. 102-104.
[3] Murtaḍā Muṭahharī, *Professor Muṭahharī's Notes*, Ṣadrā Publication, 1st edition, 1378 AHS, vol. 1, p. 97.

who cannot bear the right word or when he is faced with justice. Then, do not avoid consultation and telling the truth, since I do not consider myself above of committing a mistake."[1]

An example of the Islamic democracy in Imām 'Alī's government is his own trial in the court selected by him. Our late Imām says on this:

"Do you know of any democracy in which the head of the government is summoned by the judge before him. He appears in the court and the judge issues verdict against him and he accepts."[2]

This is an instance of the Islamic democracy. Another example is the way he lived. On he very day people swore allegiance to him, he took his spade and hack and went to work.[3]

Martyr Muṭahharī's definitions of the Islamic democracy are quite in harmony with spiritual freedom, which he knows as the real freedom.

He believes that the Islamic democracy conforms to social and spiritual freedom; he further adds that the Islamic democracy believes in that social freedom is not possible and practical without spiritual freedom.

Great leader of the Revolution, Āyatullāh Khāmene'ī, also says on this:

"In the western thought, the origin of freedom, like any other man's civil rights, belongs to the category of man's rights, but Islam believes in freedom as part of man's instinct, that is, the right to freedom is in fact, like the right to life and living. While the boundary of the western freedom is only material values, in Islam moral losses are limits of freedom."[4]

Hence, those who sacrifice spiritual values for social values have violated freedom boundaries. "This is the current ill of the human society, which wants to provide social freedom but does not look for spiritual freedom."[5] "The freedom I talked of and has come to form the basis of the Western democracy, as we see, is in fact a sort of animalism at large (unrestrained brutality). That man has a desire and

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[1] *Nahj al-Balāghah*, Sermon 216.
[2] *Ṣaḥīfeh-ye Imām*, ibid.
[3] *Ibid.*
[4] *The Great Leader of the Revolution*, Hamshahrī, 6th year, no. 1633 AHS, p. 2.
[5] Murtaḍā Muṭahharī, *Spiritual Speeches*, ibid, p. 19.

craving based on which he must be free, should not cause one to draw distinction between human freedom and bestial freedom."[1]

2. The difference between the way of looking at the individual and society

Different philosophical and social schools hold different views on the individual and the society. Some give priority to the individual and some to society. These views have affected their views on the problem of freedom as well.

Regarding important both the individual and the society, Islam does not separate them from each other, considering both equally with respect to freedom. On one hand, the Islamic democracy gives value to human beings' tendencies and respects them and on the other hand, gives significance to society's interests. When personal demands lead astray the society, Islam no longer gives freedom to the individual. Martyr Muṭahharī says on this:

> "While being a social religion, thinking about society and regarding the individual responsible for society, Islam never disregards personal liberty, not giving priority to the individual. In Islam's view an individual owns such political, economic, legal as well as social rights as right to consultation, selection, suffrage and the right to choosing job, residence and spouse. Wherever an incompatibility appears between the right of the individual and that of society, the latter is given priority over the former and public rights are given privilege over private rights."[2]

But as we observe in the western democracy, the personal interests and wishes have come to form the basis of freedom. If the individual intends to, based on their carnal desires, do an action, which disregards some of the wishes of others, then disagreeing with those individuals will be opposition to freedom.

Man's tendencies and desires constitute the origin and basis of freedom in the west. Where man's will is talked about in the west, no differentiation is made, in fact, between wish and will. In the western philosophers' view, man is a creature possessing a series of desires and wills to live such a life. It is this desire, which form the basis of his freedom of action. What confines the personal liberty is limiting others' desires; no other rules and criteria can limit man's freedom and desires. In the western freedom, not only is not

[1] Murtaḍā Muṭahharī, "*About the Islamic Revolution*", ibid, pp. 100-102.
[2] Murtaḍā Muṭahharī, "*Revelation and Prophethood*", pp. 117-118.

others' domination criticized, but some times it occurs that man feeling no shame accepts the worst kinds of servitudes in order to achieve his desires.[1]

Difference in the basis of legislation

The chief difference between Islam and democracy which is of course the most important difference is that of legislation. Since Islam is a monotheistic religion, it not only considers God as the single creator of the universe, but also deems Him as one in Godhood. Hence, Islam believes God is the only legislator of man's life, because He is the one who gives both existence and existential identity. As a result, God is aware of man's wonderful mysteries, potentialities and needs and it is via these criteria that He makes laws for perfection of his existence.

Based on this Islamic point of view, we will lead toward polytheism if we equal anyone to God in legislation. Accordingly, the western system of democracy, which regards the will of the majority as the only basis of legislation with no regard to faith and religion, is a manifestation of the polytheism. Āyatullāh Jawādī Āmolī says on this:

> "Some think that only dictatorial governments are based on polytheism. Vicious propaganda of the foreigners has caused one to think that democratic system is a just one, but one must bear in mind that as faith consists of different degrees, so does polytheism. Although dictatorship and autocracy is one of the vilest degrees of polytheism, this does not mean that democratic system is not polytheistic."[2]

In the Western view of democracy, religion plays no role in the social regulations and laws, not putting God as legislator even beside other legislators and only the idle of majority is the thing they worship and praise. "What is the basis of legislation in the western countries? It is the will of the majority. It is based on such a thing that under pretext of respecting democracy and majority's views, homosexuality becomes legal. In accounting for ratifying this law, they explain that since the majority of our people agreed with the problem of homosexuality, democracy requires that we render it a binding law."[3]

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[1] Murtaḍā Muṭahharī, "*About the Islamic Revolution*", ibid, pp. 110-102

[2] Āyatullāh Jawādī Āmolī, "*The Philosophy of Human Rights*", Asra Publication, 2nd edition, 1377 AHS, p. 116.

[3] Murtaḍā Muṭahharī, "*About the Islamic Revolution*", ibid, pp. 100-102.

In Martyr Muṭahharī's opinion, this way of thinking of the Western democracy is derived from the fact that they have not known well Christianity's principles:

> "Christianity's principles are beyond known thought and reason. They themselves fashioned the idea that here is the realm of faith and not that of reason. This means that they believe in one domain for faith and another one for thought and reason. They said that the problem of thinking is different from the problem of faith and submission. You are not entitled to think in the domain of faith. The realm of faith is only realm of submission."[1]

Faith alone or reason by itself cannot rescue man's ship from storm and help it arrive at freedom. One of the deficiencies of the western culture is that it knows reason as the only savior of humanity. Quoting from Iqbāl, Professor Muṭahharī explains the matter beautifully:

> "European man believes in man, but he is not philanthropic in practice. He believes in human rights, but shows no respect for human rights in reality and practice. The European applies the name of freedom for his culture, he talks of freedom, but deep in his heart, he does not really believe in freedom."[2]

That is why Professor Muṭahharī believes that: "What the European say, are suggestions with no guarantee."[3]

By briefly investigating Imām Khomeinī's views and those of other religious eminent personalities, one can come to the conclusion that it is possible to put into action in Islamic government a particular model of democracy as one form of government. A model whose content is constituted by original laws and commandments of Islam, with God as the only real legislator.

In answer to the problem of disagreement between principles of democracy and those of Islam, Martyr Muṭahharī, as one of the adherents of the Islamic democracy, asserts:

> "Islamic Republic is composed of two terms of Islamic and Republic. The later indicates the form of the suggested government and the former shows

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[1] Murtaḍā Muṭahharī, pp. 72-73.
[2] *Ibid.*
[3] *Ibid.*, p. 74.

that such a government should be governed by the Islamic regulations while proceeding on Islamic principles. Since we know that while being a religion, Islam is an ideology as well, it is a program for man's life in every dimension. The matter of republicanism is related to the form of the government, which is associated with a kind of democracy in which people are entitled to be involved in their fate and this does not mean that people cannot show tendency toward a school or ideology and that they are exempt from feeling obligation to a school."[1]

In accounting for the Islamic government as a program having the potential of putting into action in its real meaning the democracy, Imām Khomeinī states:

"The Islamic Republic plans to establish a government behaving justly with all groups, giving no favor to particular groups, unless they themselves have merits. If we succeed and put into action the Islamic Republic of Iran with its Islamic content, and establish a full-fledged Islamic government, it will prove a model for all other countries for which democracy in its real meaning and not a plan with no truth, as well as freedom in its real meaning and not as a meaning for deceiving others will be put into action, God willing."[2]

Democracy, then, meaning the government of people over people, which is more advanced than that in ancient Greece, is acceptable in Islam only conditionally. However, if it is regarded as a concept accompanied by secularism and atheism, it will be in disagreement with the Islamic criteria.[3]

Advocates and defenders of democracy have realized its deficiency, making their offer to modify this concept and form of government the full discussions of which is outside the scope of this paper and is left to the readers themselves to probe in full.[4]

For a good conclusion of this chapter, we refer to Imām Khomeinī saying:

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[1] *Ibid.*, pp. 81-82.

[2] *Ṣaḥīfeh-ye Imām*, vol. 9, p. 72.

[3] Muḥammad-Taqī Miṣbāḥ Yazdī, "*Islam, Politics and Government, Center of Political Research and Studies*", Qom, 1378 AHS, pp. 84-87

[4] Antony Arblaster, *Western Liberalism*, trans. 'Abbās Mukhbir, Marker Publications, 3rd edition, 1378 AHS.

> "Unfortunately, in western countries, which boast more of democracy, there exists no democracy. The westerners want with this incantation to destroy and exploit us. We cannot practice democracy unless under the banner of Islam."[1]

In practice, it is seen that the more the west talks of freedom, the more freedom is drowned in confinement, because every one wants to be free to the extent of his wishes, and man's wishes and desires are endless. When, therefore, there is [illegible] limit to his freedom, he becomes so drowned in it that it negates others' freedom as well as his own spiritual freedom, and in fact, under the name of freedom, he imprisons freedom.

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[1] *Ṣaḥīfeh-ye Imām*, vol. 8, p. 89.

4

Desirable Government in the Political Views of Imām Khomeinī

Sayyid 'Abdul Ghayyūm Sajjādī

One of the important discussions of the realm of politics and government is the relationship between government and people as well as mutual rights of citizens and rulers. The reason why discussing such issues is important is that today with the immense wave of democracy and political-democratic management emerging in the world, there are very few political regimes, which disregards the factor of people and popular sovereignty. Historical experiences together with scientific information of social and political scholars have also emphasized the importance of the democracy of the political regimes and as a result their being backed up by the mass is regarded as one of the features of stable and democratic governments. Problems related to the people's sovereignty coming to be known as democracy has a long history, however, in most of the third world countries including the Islamic Republic of Iran, it is not age-old enough. This unfolds the hidden corners of democracy and the people's sovereignty in these societies. Lack of enough historical experience of democracy and political co-operation of the mass has caused serious objective difficulties on the one hand. On the other hand, formation of the Islamic Republic of Iran based on religious teaching and with an identity shaped by the divine sovereignty in all

aspects of personal and social life has theoretically affected serious and apparent challenges and contradictions by its claim of political sovereignty of people and combination of two religious and temporal phenomena.

If the divine sovereignty pervades all aspects of individuals' lives as the embodiment of religious thought of the Islamic society, then democracy would also be a right phenomenon emphasized and taken into account as a human ideal in the process of historical movements and political events of the societies.

Basing all social and political principles and criteria on the principle of divine sovereignty, the Islamic Republic of Iran has not ignored the principle of popular sovereignty as well. The system's republicanism puts emphasis on the popular sovereignty while its being Islamic on the sovereignty of God over the whole universe. The Islamic Republic of Iran's constitution, through religious and jurisdictional perspectives, has takes into account both these principles, allocating various principles to them.[1]

Although ■ the constitution proper, as well as in opinions of the precursors and officials of Islamic Republic, a sort of harmony has appeared to exist between divine sovereignty and popular sovereignty, there are unclear and ambiguous problems the clear and acceptable answers of which should be given by committed Muslim thinkers and researchers. Theoretical vacuum and lack of serious and academic studies has caused a number of youths and intellectuals of our society to find some kind of inconsistency between these two. Reasonable and scholarly argumentations on these issues, together with having critical perspective and objective approach, can undoubtedly be a responsibility of the researchers of religions who should make effort in dealing with it. As for this, wise advices, speeches, and guidance of Imām Khomeinī as well as those of the great leader are precious treasures, which will pave the way for us in this important subject.

This paper investigates and examines position and responsibilities of government and people together with their relations in the light of political thought of Imām Khomeinī, while with the aid of his speeches, work, and words and through clarification and elucidation of the relation between government and people and their mutual rights, tries to propound such discussions.

[1] Constitution of the Islamic Republic of Iran, Chapter 1, Articles 2-3

1. Islamic government's feature in the political views of Imām

Religious view of Imām in political and socials problems has influenced his political thought, shaping it. These jurisdictional and religious ideas have affected his opinions on political categories as well. Accordingly what he says on people, government and their mutual relations as well as their roles in society, is the feature of religious government and society deduced from religious sources and political traditions of infallible leaders.

The criteria Imām applies in elucidating the features of the Islamic society and government can also be observed in religious texts and political sources of Islam. In political views of Imām, the most important characteristics showing the features of the Islamic government include:

a. Serving government and not a ruling one
b. Law-centric government
c. Trustworthy government

A. Serving and not ruling government

Giving service, in the political views of Imām, is regarded among the most important characteristics of the Islamic government. Such an outlook has connections with philosophy of politics and government in the political thought of Shiite, and is merged, in religious texts, with it, defined as the aim of government and politics.[1] With such an approach toward government and politics and with regard to Imām's definitions of these categories, it is giving service, which is acclaimed and not ruling. In this view, how much the government is religious is estimated by its success in service giving and giving social services to the Islamic society. The Imām says on this:

> "The government in an Islamic system should be a just one in which government should be for people and not people for government. An Islamic government is one which is and should be service-giving to people."[2]

This word of the Imām suggests a few points. Firstly, the Islamic government should be based on justice, secondly it should be governed by the people, and thirdly it should be for people and not people for government and finally it should be at the service of the people and society. The function of the

[1] In the different parts of *Nahj al-Balāghah*, Imām 'Alī states that the aim of politics and leadership in the Islamic and religious government is to carry out the religious duties and human responsibilities and not enforcing power.
[2] *Sahīfeh-ye Imām*, vol. 5, p. 241.

services of Islamic government is different significantly from that of non-Islamic governments, because giving service and the sense of responsibility of statesmen of Islamic government is not limited to material aspects, but is always accompanied by spiritual prosperity and perfection of the Islamic society. In the political views of the Imām, being in charge of superficial power is regarded as only a means, while service giving ■ the criterion of evaluating religious statesmen is emphasized:

> "The individuals and those whose heart beat for Islam and for their country should bear in mind the fact that capacity. Presidency is not criterion, nor is premiership, nor being the head of the government or being parliament speaker. These are nothing at all, these capacities will come to an end. What remains is service. Wherever he is, the committed person is more encouraged seeing that his services ■ satisfactory."[1]

In Imām's view, political power is not the end-aim of politics and government but is a means, which makes equal the relation between the ruler and the ruled in the possible form of religious brotherhood:

> "One change which should be made and you gentlemen should endeavor to achieve, is that you do not become arrogant of being the governor. The word governor is used when there is ruler and the ruled and when there is no brotherhood. It is used when a class is rebellious while the other class is being ruled by them. There are not (should not be) such things in Islam. Those who have ruled the whole Islamic country have not dealt with their subjects in a way that the ruler treats the ruled."[2]

As for this problem he says elsewhere:

> "Being in charge of the government does not bring in itself position and dignity. The means of doing the responsibility is the application of the laws and establishment of a just Islamic system. If the available means is not used for good works and proving true the high goals, it will have no value."[3]

[1] *Ibid.*, vol. 19, p. 217.
[2] *"Fundamentals of the Islamic Revolution"*, The Institute for Compilation and Publication of Imām Khomeinī's Works
[3] *Islamic Government Governance of the Jurist*, pp. 69-71.

B. Law-centric government

Another important characteristic of the Islamic government, in the political views of Imām Khomeinī, is law-centrism and commitment to law, including both the divine and governmental laws. Trough religious perspective, the government and its officials are protectors and enforcers of the Islamic laws. Commitment to law is a religious duty and the Islamic government and its officials have more duties and responsibilities. The Imām has emphasized on this matter, saying:

> "Rule of Islam is the rule of law. In this kind of government, sovereignty is exclusively particular to God while law is His Decree and Ordinance. Islamic law or God's command has absolute sovereignty over all individuals and Islamic government. All individuals including the Holy Prophet, his Caliphs and the others are subject to law, the law, which is sent down by God and is expressed through the Holy Prophets and Qur'an's language. If the Holy Prophet became responsible for the caliphate, it was only through God's Command. He did not want to establish a government for himself in order to be the Muslims' ruler."[1]

Law-centrism and commitment to governmental and religious laws, is not limited to the theoretical aspects in Imām's views, but practically and objectively it is emphasized. Applying political sovereignty and religious power of the Islamic ruler can be legitimate and executable only in accordance with law and observance of religious regulations:

> "No ruler in the Islamic government is allowed to be ego-centric and autocratic, and what happens in the domain of government should be in accordance with the divine law, even obeying the guardianship (leader) should accord with divine law. In different problems he acts with regard to the good of the Muslims and his subjects and this is not autocracy and totalitarianism. He should, in different problems, act according to the advisability, that is to say, his decision, like his acts, should be in accordance with such policies."[2]

Therefore, the government and the Islamic governor, in the political views of the Imām, apply sovereignty with regard to law and the interests of the Islamic nation. When the Islamic ruler deals with the political

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[1] *Fundamentals of the Islamic Revolution*, The Institute for Compilation and Publication of Imām Khomeinī's Works, pp. 136-137.

[2] The Institute for Compilation and Publication of Imām Khomeinī's Works, *Ṣaḥīfeh-ye Imām*, vol. 2, p. 461.

management of society according to his own views and with regard to advisability, his views and acts are governed by a sort of law-centrism framed by the public good of Muslims. In the Imām's desirable government, therefore, real governor is the law and all are free to act under the protection of law and legal rules:

> "The ruler is in fact the law. All are under the security provided by law, under the protection of law of Islam. People and Muslims are free as far as legal rules allow. That is to say, after they acted according to the legal rules, nobody is entitled to tell them what to do."[1]

In the Imām's law-centric government, citizens' obedience from the commands and rules of the Islamic government means obeying the law and only law rules over society.

"Anyhow, in Islam, ruling means obeying the law and only law rules over society."[2]

C. Trustworthy government

In the political view of the Imām, the ruler of Islamic society and government is not considered the absolute governor. The statesmen are the people's trustees and their advocates.

Accordingly, the Islamic government is bound to apply the political power for the purpose of propagating religious beliefs and divine teachings as well as providing good and interests of the society. Applying its power through admission of the Muslim mass, the Islamic government in this perspective, receives political legitimacy and protection of people only by putting into action all its social, economic, and political programs through regarding and respecting cultural and religious beliefs of society, in accordance with religious rules and laws. Otherwise, the Islamic nation and people put end to the rulers' agency and dismiss them through their own monitoring and advisory roles. In the Imām's words: "When people do not want an official, he must step down."[3]

Honesty feature of the Islamic government in the Imām's view is emphasized in his different speeches. He says:

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[1] *Islamic Government: Governance of the Jurist*, p. 81
[2] *Ibid.*, p. 47
[3] *Sahīfeh-ye Imām*, vol. 4, p. 73

"Since the rule of Islam is the rule of law, the lawyers, and the highest religious experts, that is, the jurists should be in charge of it. They are the ones who observe all administrative, official and planning affairs of the country. The jurists are trustees in executing divine commandments."[1]

Elsewhere he says more clearly: "so, the meaning of trustworthy is that the jurists execute all the affairs Islam has ordained (prescribed) honestly and not issuing verdicts only."[2]

1. The relation between government and people in the political view of Imām Khomeinī

In the Islamic system, the best possible form of relation exists between the government and people who feel responsible for each others' acts and decisions. Governmental statesmen are trustees who, like their Muslim brothers, are present among people, listening to people and dealing directly and far from usual political ceremonies with their problems. The relation between government and people in the political view of Imām is among most extended and serious discussions, which are apparently observed in his wise speeches and advices. Here, this relation is studied within some general topics:

a. Direct relation between government and people

In most political systems and regimes, the statesmen as the privileged class of society have special social positions, not having any relation with the downtrodden and low class of society. In such systems people cannot easily visit the statesmen while the fear and terror prevalent in the relation between the ruled and the ruling castes has changed the equal and human relations into an atmosphere of flattery and insincere praise. Propagation of flattery in the society is characteristic of despotic and autocratic regimes. Regarding this matter, Imām 'Alī, always warned strongly his follower of this harmful and undesirable characteristic, inviting them to telling the truth, being righteous and guiding their statesmen.[3] This political-religious model is also seen in the Imām's thought and deed:

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[1] *Islamic Government: Governance of the Jurist*, p. 80.
[2] *Ibid.*, p. 81.
[3] *Nahj al-Balāghah*, Sermon 216.

"The Islamic governor is not similar to other governors, kings or presidents. The Islamic governor is one who used to come to mosque of Medina among ordinary people and listened to them. Those in charge of the country like other stratum of society congregated in the mosque. The congregation was such that the governor and ordinary people could not be distinguished by a person coming from outside."[1]

Emphasizing on following in the holy prophet's and the infallible Imāms' footsteps and by applying practical and governmental traditions of those magnanimous leaders, Imām Khomeinī holds being with people and abolition of class privilege of the statesmen of the Islamic government as the vital and essential characteristics of religious government:

"When the Holy Prophet was in a congregation, wanting, say, to tell something or to talk or to make judgments, the situation was in a way that the Prophet could not be distinguished by a person who did not know him. That person could not make out who the ruler was and who the ruled."[2]

b. The relation of mutual understanding and not dictatorship

In the religious government of Imām Khomeinī, in which the relation between government and people is based on religious brotherhood and public responsibility, the statesmen's despotism and dictatorship is strongly condemned, while people are regarded as the essential organ of the religious system. In this view, the role of political responsibility of the people in the life of Islamic society is regarded as duties of the Islamic governors and statesmen. The Islamic Ummah is obliged, according to the principle of public responsibility, to monitor the behavior and acts of the statesmen of the Islamic society. In the Imām's view, strength and depth of the agreement and cooperation between the government and people is indicative of the stability, and Islamicness of the government, always to be observed:

"If a country wants to be uncorrupt, there should be between the governing system and the nation, agreement. Islamic regime, perhaps, is at the top of the programmes of such an understanding between the government and the nation. That is to say, the government does not keep itself separate, it does not impose, threaten, frighten, or torture people. Nor do the people want to weaken the government, or violate the governmental regulations. This

[1] *Sahīfeh-ye Imām*, vol. 3, p. 84

[2] "*Fundamentals of the Islamic Revolution*", The Institute for Compilation and Publication of Imām Khomeinī's Works, p. 361

should be a model for the governments, the administrations, for all, not to keep them separate from people and to know that people are akin. People as well know that, the government is akin, and the governments deem them akin. If there appeared such an understanding between the government and the nation, then such a government would be dependent upon the nation and would not fall, that is, it would not collapse. "[1]

In the political system of Islam and desirable government model of the Imām, as a result, the relation between the governors and the people is based upon agreement, cooperation and respect for the character and thoughts of society. The ruler as the trustee of society tries to provide the satisfaction of people and the necessary grounds for their material and spiritual growth.

c. Mutual monitoring

Among other aspects of the bilateral relation between the government and people in Imām's view, is the mutual monitoring of government and people. Accordingly, on the one hand, the rulers are bound to monitor the Islamic society for the sake of propagating religious values and teachings and growth of thoughts. On the other hand, people have the duty of monitoring the government's policies and directions, giving their advisory views for the improvement and stability of the foundations of the Islamic system. In different parts of his words, Imām, in addition to restating the effects and graces of people's monitoring the behavior of the statesmen and the government's policies, emphasizes the advisory relation of government and nation, stating:

"If the nation wants to succeed and gain victory, it should be careful about the government, of the president and of the government. It should pay attention to all of these. Don't they reach affluent class from a middle class."[2]

"This problem is important, and the gentlemen should notice it, and the whole nation should supervise, they should monitor the affairs. If I put a foot wrong, the nation is responsible to tell me that I've made a mistake, and to tell me to keep restrain. The entire nation is responsible to supervise all the affairs related to Islam. If they notice that a committee, for example; is acting against Islamic regulations, the businessman should object, the

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[1] Searching for the Way of the Imām through the Imām's Words, The Institute for Compilation and Publication of Imām Khomeinī's Works, vol. 9, pp. 275-276.
[2] *Ṣaḥīfeh-ye Imām*, vol. 7, pp. 33-34.

> farmer ought to object, so should the teacher, they should object to make right the foot that is put wrong."[1]

Accordingly, in the Islamic government of the Imām, the people supervise the dismissals and appointments of the Islamic government's officials, as they play important roles in establishing the government of religious system and putting it into effect.

d. Brotherhood relation and not the relation of the ruler and the ruled

The governors of the Islamic government, in the government of Imām, have no special class privileges and are equal to people. In the political system of Imām, the relation between whom exercising power and submissive is not that of the ruler and the ruled, but it is in the form of religious brotherhood and equality. In this view, the governors and the statesmen are not absolute rulers of people, but they are equal to people before governmental and Islamic laws.

"The individual's society is a criticizing and evaluating one, in which all people take part in their affairs."[2]

The political system of Imām is the enforcer of the divine laws on the basis of which no difference is observed in social classes and all citizens are equal:

> "This is a government in which all are equally present before law. Because Islamic laws are divine laws and every one is present before God; governor and the governed, the Prophet or Imāms or other people." [3]

Emphasizing on maintaining the spirit of religious brotherhood, the Imām condemns privilege-seeking and establishing difference between the lives of the statesmen and those of the ordinary people and believes that it has dangerous consequences:

> "Thank God, all our statemen are not palace-dwellers. Our government is not a palace-dweller one. If our government becomes interested in palaces, we have to mourn the loss of the nation and government. When the president, puts aside the spirit of simplicity and palace-dwelling fascinates him, he, and those who have connections with him, will face decline. The

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[1] *"Fundamentals of the Islamic Revolution"*. The Institute for Compilation and Publication of Imām Khomeinī's Works, p. 286.
[2] *Ṣaḥīfeh-ye Imām*, vol. 3, p. 53
[3] *Ibid.*, vol.1, p. 169.

tyrant kings who were all palace-dwellers, could not think about people, they could not understand what the individual might mean?"[1]

In the Imām's view, therefore, expansion and consolidation of the relation between government and nation, in the form of religious brotherhood, are based on the equality and unison of the statesmen and citizens. To deepen and maintain this relation, the statesmen should be aware of and in connection with people's problems and difficulties.

1. Mutual rights of government and people in the political view of Imām Khomeinī

Undoubtedly, politics and government in our religious sources and in the political view of Imām Khomeinī, is not the final end and the cause of man's superiority. The main goal, reflected in the governmental views of Imām as well, is providing man's prosperity, his growth and perfection in both material and spiritual aspects.

In non-religious governments, the aim of political cooperation of the individuals is the satiation of their power-seeking instincts, and political groups take part in the most intense rivalries, using different trickery for achieving power. In the Islamic government, however, this cooperation is a divine responsibility and the individuals are committed to do their duties only. They are not entitled, as a result, to apply whatever means they want to achieve power and victory over their rivals. As for man's responsibility and the fact that power and politics are used for carrying out divine duties, the government and people are obliged to observe and respect their mutual rights.

2. Mutual rights of government and people in Imām 'Alī's views

In addition to emphasizing on the mutual rights of the government and people and the necessity of its observance, Imām 'Alī expresses the effects and consequences of such rights within several subjects: "*Nahj al-Balāghah* Sermon 207"[2]

After this sermon, Imām states several examples of the most important rights of people and the Islamic rulers, and holds that teaching and monitoring, cooperation of the Islamic *ummah*, telling the truth, giving consultation justly, and keeping away from flattery are the most important duties people have before government. On the other hand, the Islamic

[1] *Ibid.*, vol. 17, p. 218.
[2] *Nahj al-Balāghah*, Sermon 207.

government should take steps in maintaining order in the society, establishing social justice and providing the grounds for growth and improvement of the Islamic society.

3. Mutual rights of government and people in Imām Khomeinī's views

In Imām Khomeinī's view, the government and the people have mutual rights, which if observed and implemented they can consolidate the foundations of the government and bring order to society. In this regard, his words can be summarized in several general subjects, as stated below.

A- Duties of government toward people

A-1 Respect for the people's views

Among the important rights of people, which the government and the statesmen of the religious system should observe, is regard and respect for the people's thoughts and views. This problem is, on different occasions, expressed and emphasized in the Imām's speeches and words:

> "Our favored Islamic Republic government is inspired by the lives of the Holy Prophet and Imām 'Alī and is dependent upon the Public's opinion. The form of the government is also determined by the people's views."[1]

Elsewhere, with regard for the people's capacity and respect for their rights, the Imām holds the obedience of people's views the responsibility of government stating:

> "We follow the nation's views. We follow whatever is the nation's view. We are not entitled, God has not allowed us, and the Holy Prophet has not allowed us to impose anything upon our nation."[2]

A-2 Providing independence and freedom

Independence from alien forces, independent home government based on the people's religious beliefs and values, providing social and political freedoms, among other things, are essential rights of all societies and human beings for the achievement of which, all the nations of the world should endeavor and make effort. In the political views of the Imām, providing the independence of society and civil and political freedoms of people, are among important rights of people over government which the rulers and

[1] *Saḥīfeh-ye Imām*, vol. 3, p. 27

[2] *Ibid.*, vol. 10, p. 181

statesmen of the Islamic government should apply in all their plans. On this, the Imām says:

> "It is people who tell the right thing and demand their own rights. Freedom is the right of people. Independence of a country is the right of the people of that country."[1]

Other aspects of the right to independence and freedom of people, which the Islamic government should observe and guarantee, is the freedom of selecting governors and agents of the Islamic government: "Invite people to vote, and you are all always free to vote for anybody you want, we cannot oblige anybody to vote for a certain person."[2]

In the Imām's view, not only the right to free thought and expression is the right of the people committed to the school, it is also, with certain conditions, is the right of groups not committed to religion as well. The Imām says on this: "We have never deprived them of their rights, nor have we caused any injury to it, and every body is free to express ideas, but not free to intrigue."[3]

A-3 Administering the rights and establishing the social justice

As mentioned earlier, politics and government in Islam's view and political thought of Imām, is not an end but a means to performing the religious duties, giving the rights of the downtrodden and establishing social justice. While Imām 'Alī holds the lowest kind of government one in which the rights of the downtrodden are not administered, in the political thought of Imām as well, a desirable government is one, which provides the rights of the poor and the downtrodden, establishing social justice in the society:

> "Being in charge of the government is not in itself position and capacity, but they are means of doing responsibility, administering the laws, and providing Islamic just system."[4]

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[1] *Ibid.*, vol. 7, p. 216.
[2] *Ibid.*, vol. 17, p. 95
[3] *"Fundamentals of the Islamic Revolution"*, The Institute for Compilation and Publication of Imām Khomeinī's Works, pp. 330-331
[4] *Ibid.*, p. 141.

The Imāms and the Just Jurists are obliged to apply the government in administering the divine laws, establishing a just Islamic system and giving service to people. Government has nothing for them except hard work and effort. "In explaining why he has become the governor and in charge of the government, Imām 'Alī says, for the purpose of sublime goals and for establishing the truth and devastating the false."[1]

B. The rights of government over people

B-1 Protection and support

As brought ■ Imām 'Alī's word, the stability of the government is dependent upon comprehensive support of people, and the right of the Islamic governor over people is that people help him in executing programmes related to reform, education and service. In governmental views of Imām, government's protection by people is an important right of government which has important effects and blessings for the Islamic society. Explaining this right, Imām Khomeinī hints at the graces of commitment to it and harmful effects of not administered:

> "The difference between the Islamic and non-Islamic revolution is that, whenever a revolution becomes Islamic, the mass are for it, and when the mass join an approach, it makes progress fast, and there will be little corruption, little corruption will be in it."[2]
>
> "Our army, our military forces, ■ guards, and all these, have as their supporters the whole nation. Now you see that our whole country is in the war, in such a country that its army is united with its nation, its statesmen are brothers with others, they are all offering service to their nation, the nation support them. What is that such ■ great nation is afraid of? Be confident."[3]

The reason why the Imām in his speeches, emphasizes on trust on people, giving hope to them, and attracting their support"[4] is that he knows the people support the cause of the system's consolidation, and he regards it as the people's rights toward their government

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[1] *Islamic Government: Governance of the Jurist*, pp. 69-71

[2] *Sahifeh-ye Imam*, vol. 9, p. 158

[3] *Ibid.*, vol. 13, p. 145

[4] *Fundamentals of the Islamic Revolution*, The Institute for Compilation and Publication of Imām Khomeinī's Works, pp. 333-439

B-2 Consultation and supervision

Among other important rights of government over people, in political thought of Islam and Imām Khomeinī, is the advisory and supervisory responsibility. People should not be indifferent to political behaviour and policies of their statesmen in an Islamic society. They are bound to monitor the policies and acts of the officials of the Islamic society through invitation to good acts, giving counsel and advising the governor[1], and to cause the consolidation of the Islamic government and improvement of their statesmen through their own counseling and benevolent views. People should administer this right in all social, political and governmental affairs. This right is taken into consideration and put forth in political and governmental thought of the Imām:

> "You should be careful not to put a foot wrong under the name of Islam and Muslim and the clergy not to show Islam's countenance bad while it is not."[2]
>
> "All you gentlemen should bear in mind and the whole nation are responsible to monitor the issues of the country. All of the people are responsible to monitor all the things that are related to Islam."[3]

Elsewhere the Imām, holds the factor of supervision more than just a right, and regards it as a religious duty and responsibility:

> "All the classes of society should suppose they have some duties. They should say we are responsible. As every body deems himself responsible toward his child and controlling him, we should feel that this country is our home and our residence. The whole country belongs to all nation."[4]

In this guiding cooperation, people can play essential roles in monitoring the government's behaviour and safety of society. Therefore in mutual rights of government and people in Imām's view, there are several important and elements which include: government supported by people, applying supervision and giving benevolently counseling views through invitation to good act and warning reprehensible deeds as well as advising the Islamic ruler and agent.

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[1] *Political Science Periodical*, Bāqir al-'Ulūm Higher Education Institute, Qum, no. 12, p. 108.

[2] *Ṣaḥīfeh-ye Imām*, vol. 7, p. 33.

[3] *Ibid.*, p. 34.

[4] *Ibid.*, p. 13.

B-3 Continual presence and the necessity of resistance

Among other important rights of government over people available in religious sources and political views of Imām, is the necessity of enduring the difficulties which the system faces both in and out of the country. Continual presence of the people helps the statesmen in executing sublime plans and stabilizes the Islamic government against the attacks of the enemy, in addition to consolidating the foundations of the government:

> "What is important is that the revolution is Islamic, achieved by the people. It is the people who have caused the revolution, and people should accomplish it. The people have risen; they have dismissed the Shah and overthrown his regime and replaced it by an Islamic one, which is better for the downtrodden. So the people should continue what they have done. The greater the action, the more and the worse the enemy is."[1]

Accordingly, continual presence of the people in guarding the revolution and its achievements against the enemies is of great importance, which Imām holds as the only way of confronting the enemy and the basis of the system's stability. Elsewhere, advising the statesmen and the parliament members, Imām holds respect and regards for the people's views the government's responsibility, and believes that the Islamic Revolution was a souvenir brought by people:

> "I recommend the government and the agents, be grateful to this nation and do their best in order to give service to them, particularly to the downtrodden and the oppressed who are our dearest and the lords of our riches, the Islamic Republic is their souvenir. It has come true through their self-sacrifice and its maintenance is indebted to their services."[2]

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[1] *Ibid.*, vol. 19, pp. 58-59

[2] A topical overview of the last massage of the Imām, p. 98

Summary

This paper can be summarized into a few points. It was mentioned within this paper that the Imām's theory of government is originated from the political thought of Islam and religious teachings, in particular those of Shiite, which is in the form of ideal model of government in Medina and short-lived government of the first Shiite leader. In this theory, the government and people are ruler and the ruled, but they are two institutions responsible for the fate of the Islamic society, having common duties. The Islamic government as the agent is the trustee and the chief of the Islamic nation and is bound to provide the grounds for spiritual growth and the prosperity of the hereafter, in addition to working in political, civil and economic categories.

The principle of responsibility of all Muslim citizens has established mutual relations and rights of government and nation, making both bound and obliged to observe and enforce the law. Enforcing these laws and being committed to them, provides the grounds of cooperation, unity, agreement and love between government and nation and effect the growth and perfection of the Islamic society, formation of political development, and manifestation of powerful and stable institutions.

Freedom and Democracy in the Political Thought of Imām Khomeinī

'Imād Afrūgh

Introduction

If the main effort of thinkers and theoreticians is known to be presenting a comprehensive, symbolic and relatively extensive picture of political life and society, three phases can be perceived[1] in the researches and inquiries of these thinkers including:

1. Observation of anarchy
2. Differentiation of the causes
3. Presentation of solution

The Imām was undoubtedly one of the greatest men who not only gave to his addresses his full-scale understanding of the political life and society but tried, by virtue of his being comprehensive and integral, to present such an understanding in a general background coherent and in harmony with social and human life and in accordance with his own philosophical and social anthropology. Due to his comprehensive philosophical and all-out views and his belief in logical concomitance of different cognitive,

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[1] Tomas Springer, the concept of political theory, translated by Farhang -e- Rajaei. Edition III, Agha publications, Tehran pp 17-24.

emotional, normative and behavioral structures in different domains of human life, the Imām put forth a full-fledged model in harmony with his own views of political life, in addition to covering the empiricist gap of Hume's rational and coherent link between ontological/value dimensions and theoretical government/practical philosophy in the Imām's views is not limited to models of political life. Throughout man's history, he has been among very few theoreticians who passed successfully the second level of the gap, that is, the gap between the model and reality, by entering the political scene, triumphantly leading the Islamic Revolution and being persistent in it. By testing this model successfully and modifying some of the details, he complemented the individual's consistent and all-out view of political life.

Nonetheless, one should bear in mind that such a political thought, especially political philosophy of the Imām is not easily obtained through merely applying some of his words. It requires careful re-reading of his words and writings as well as differentiation between his stimulus and motive, that is, eliciting the backgrounds and situations of his words from the understood messages of his, with regard to and awareness of his anthropology and theoretical principles, including philosophical, theological-judicial, even mystical ones. This involves interdisciplinary efforts of different experts and specialists.

What adds to the need for interdisciplinary studies and researches of the Imām's views and thoughts is the concerns resulted from ascribing the views of the researcher to the Imām, which should be carefully avoided. For my part, I hope that those in charge will try to clarify the Imām's view and will form different research groups, endowing the devotees of the profound and fruitful thoughts of the Imām with the output of their thoroughgoing studies.

Concentrating on the realm of politics, this paper reviews first the concept of freedom, main challenges and questions, dominant approach and relevant concepts and requirements and then deals with the Imām's view on the above-cited problems, while trying to reconstruct and come to an understanding of freedom compatible with his theoretical principles. It, then, brings into consideration the concept of democracy and conceptual disputations and in the end; it evaluates the Imām's view of these concepts.

1. Concept of freedom

Like other political concepts, concept of freedom of which different definitions have been given in different schools is prone to controversy. Since the problem of whether it is right to talk of freedom is interlinked with

that of liberalism and the liberals, it is preferred here to make for our discussion and comments from giving liberals' definition of freedom and then discuss the main levels, requirements, questions, and challenges. This is done in order to avoid going through a disputatious realm the getting rid of which is not easily possible.

Liberals, altogether, hold no constraint and provision for defining freedom. This is resulted from the problem of interference of the human beings in other human beings' wishes[1]. It is presumed that if there were not the intentional interference of human beings, the individuals would behave in different way. Free man, in the liberals' thought, is a person who faces no obstacles[2] whenever he intends to do something and in case he has the required ingenuity. These obstacles either are caused intentionally by others or are cleared up by others, although, as it was mentioned earlier, popular power and ingenuity is a necessary prerequisite in doing what they will to do. For instance; if a person is not able to run a certain course alongside a champion, one should not think that he is not free but unable.

A contemporary philosopher of politics, Raphael[3] distinguishes between two concepts of freedom of will and freedom of action or social freedom. Man is not free unless he confronts no impediment in both decision and action. Selection means choosing one option among different alternatives. There should be several alternatives for us, in order to claim that a selection has been made.

If we are always to choose only one option, then we are not free in selection and in this case, there will be no freedom of selection or that of will. Freedom of action or social freedom means facing no obstacle in doing the actions and making selections. What is usually regarded the meaning of freedom or will, in the political and social discussions, is indeed freedom of action or social freedom.

Before dealing with the dimensions and levels of freedom and going to the main problems and critical commentaries, let us deal with two main points on the freedom of action in the Liberals' thought, which bring under question respectively the key concepts of power and philosophical anthropology.

The first one covers the discrepancy between action and primary preferences. Most of the time, what we choose to do is what we want to do.

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[1] Issah Belih, Four Essay on Liberty, Oxford University Press, 1969, p. 122.

[2] Antony Arblaster, "*Rising and Fall of Liberalism in the West*", translated by 'Abbās Fakhr. *Markaz* Publications, Tehran. 1376 AHS. p. 84.

[3] D. Dfaphael, prolemsaj philosophy – London: Macmillan Press, ltd. 1976, p. H5.

Sometimes, however, man chooses to do something while in fact he inclines to do something else. In other words, selection does not necessarily imply the considered intention. Many a time it happens that the selections a person gives in to is based on some external considerations despite having other internal desires. Besides, sometimes selections made by individuals are because of applied forces and without awareness of the enormity of the forces applied. Is not it the power of the force, which makes the individuals give in to others' wishes without being aware of it? The individual may think that he has had a selection based on his own wishes and desires, while he is in fact influenced by different persuasions sometimes in the form of information control, media, and the process of socialization and thus he will be, unknowingly, the cause of creating and strengthening of orientation of a particular system. In other words, orientation of a system cannot be maintained through a series of purposeful actions of the individuals but the most important factor in protecting and maintaining is known to be the cultural systematic social structural behaviors of the groups, institutions and parties[1]

The second criticism refers to the concept of freedom of will and individual's desires. In the liberals' opinion, freedom should be in the service of the individuals' sheer will. It should be noted, however, that the mere will in itself has no value at all. An action can be said to be valuable, which is moral. This problem brings into spotlight moral philosophy and philosophical anthropology. In the views of the critics, freedom or power is valuable only if it is in the same direction of moral and sublime values. The freedom of what the person desires to do is not freedom, it is but permission required for doing the action and it cannot be called power or committed freedom.[2] Accordingly, the way we look at human beings and our method of anthropology has determining effects on the direction and limit of freedom of action or political freedom. Although a school, which limits man's options to his desires and wishes with no regard for the direction and the range of these wishes, superficially expands his range of options for making selections because of not taking into account religious provisions and moral conditions, it does not guarantee, in practice, prevention of the command of some over others. This is particularly true during suffocating and critical periods. The range and direction of the individuals' political actions or selections will undoubtedly be limited to their desires and the power system existing in

[1] Stone Lux, *"Outlook of Radicalism"*, Translated by 'Imād Afrūgh, *Rasā* Publications, Tehran, 1375 AHS, p. 30

[2] Raphael, op.cit. p.122

different forms and under different names. On the other hand, due to the complexities of the concept of desire and unpredictability of the political behaviors resulted from human wishes, approving the rightness of the defined regulations for individuals is very difficult to achieve and subject to failure. Only by establishing a legal system can one stop the excessive freedoms and unbound aggressions rooted in the human desires and instincts. Not only does the legal system of the liberals not guarantee more freedom for human beings, it also limits freedom, not hampering chaos. Thus, the legal system resulted from the self-indulgent atmosphere, is not social but political and the resulted consensus will be political and not a social one. Religious and moral selections, in addition to increasing, in certain situations, the range of the political actions with the purpose of establishing a just and favorable system, will cause behaviors to be predictable and methodical.

Religious and moral actions arising from love of perfection and negation of worshipping but God (*And those who put away false gods lest they should worship them and turn to Allah in repentance*)[1], are committed selections. They require first of all more political freedom and atmosphere and secondly they provide predictable and systematic behaviors and, as a result, create more satisfactory grounds for establishment of legal, internal and constitutionalized social order.

There are three essential cases or questions as well on the freedom of action or political and social freedom. The first are indicative of the complexities of the concept of freedom and secondly their answers, in practice, bring into consideration such concepts as human and citizenship rights, justice and power in levels different from those of freedom of action. The questions include:

1. Of what is man free?
2. Why is man free?
3. Who should be free?

Freedom from fear (fear of the government and the limitations imposed by it, fear of security forces, fear of hunger and economic, political and social insecurity, fear of mass and norm pressure and social monitoring) is an example of the first question, that is, of what is man free? Freedom of speech, freedom of the press, freedom of doing religious ceremonies, freedom of establishing different parties and groups, are cases of the second question; the why of freedom? Freedom of speech and freedom of doing religious ceremonies, etc., are examples of the actions, which should be free,

[1] *Az-Zumar* 39:17

and freedom from fear, is a case of the obstacles, which should be settled. In the first question, there is mention of free action and in the next one, there is talk of removing the obstacles. Although most of the time, removing an obstacle is a way leading to free action, there exists no strict and clear relation between "of what" and "why" problems. For instance; by the change of the society from traditional to modern and transition of a group to a larger community, the individual may become free from provisions, limitations, controls, and public, religious and social norms (the first question). This, however, does not mean that alongside this freedom, the problem of the second question also increases. In Zimel's word, although a person living in the metropolis, is free from the rural and social constraints and controls, his power of maneuver in doing his wishes and desires equally decreases due to the existing separate social structures.[1]

"The first question" shows an approach to government, the limits of freedoms and primary rights of the human beings, which are beyond the government's power. The rights known as the rights to citizenship include civil rights (personal liberties, freedom of speech, freedom of thought, freedom of religion and belief, the right to ownership, the right to hold contract freely and the right to enjoy justice), political rights (the right to suffrage) and the social rights (the right to enjoy social welfare, security and cooperation). A large part of freedom in the liberalist literature is related to the "first question". "The why of freedom" shows, on one hand, the direction of freedom and, on the other hand, the characteristics of the ruling persons and their fidelity.

One of the sustained criticisms on the emphasis of the liberalist concept "freedom of what" is that this view is mainly negative and not affirmative. The liberals define freedom in a way that is negative and in situations in which man is not limited, no one interferes with his affairs and he is not under pressure. While in fact, freedom should be treated as one of the greatest human values and efforts should be made to define it positively. In order to give a positive definition of freedom, one should regard the aim and objectives of freedom. The essential question is that what happens if the individuals become free from these conditions and provisions. Why the individuals do not want to have the slightest limitations? In answer to these questions one may answer, it is required for the purpose of freedom of speech, freedom of the press, freedom of taking part in demonstrations, etc. That what is the utmost aim of freedom still remains unanswered. Why such

[1] 'Imād Afrūgh, "*Surroundings and Social Inequality*", Tehran, Tarbiyat Mudariss University Press, 1377AHS, p. 114.

freedoms, which are part of the domain of freedom of action, are favorable and valuable? Are they inherently valuable? Are the directions toward which these freedoms move are valuable? In this regard, the philosophic idealists propound the moral theory[1]. This theory holds that the utmost aim of the human beings is to discover the real or superior self. Since self-discovery is regarded the eventual aim, freedom should be closely related to self-discovery in order to be considered a positive value. Man would in fact, be free when he understands his own real self. Regard for the aim and direction of freedom does not necessarily results in disregard for the freedom itself (freedom from limitations). As we mentioned earlier, the concept of "freedom of what" implies the method of government and the related human and citizenship rights. Accordingly, those who claim that they have presented positive definitions for freedom have established certain relations between the concept of freedom and that of citizenship, which guarantees providing a wide range of civil, political and social rights, holding the mentioned relation a necessary factor for the individuals' self-discovery. As a result, it can be said that although "freedom of what" is not in itself valuable, receiving its merit from the aim and objectives of freedom, it should not, as a necessary factor for proving true of these aims, be downgraded.

The concept of "who should be free", which brings about social justice and power, answers the question of who can enjoy freedom. In other words, whose benefits, values and norms are freedom? Can all individuals enjoy freedom equally? Are some freer than others? Is freedom distributed equally among all groups and castes? Are there certain groups, which due to enjoying power networks of the society, in addition to using much more freedom shape the priorities and preferences of others as well? Is freedom the favored goods of all classes of society or it is favorable only to certain classes? What relationship exists between freedom and justice? Is the relationship between these two key concepts of socio-political philosophy that of equality?

If we classify freedom as two dimensions of legal or disciplinary and social or distributive in different political, cultural and economic domains, that is, classifying justice as three groups of political, cultural and economic ones in both legal level meaning equality of the individuals in the essential rights as well as before law and social level meaning equal social opportunities for all and combating monopolistic and obstruction networks in the society, the concept of justice will be more comprehensive and all-

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[1] Self-realization.

inclusive than that of freedom. The relationship between these two concepts is categorically one of absolute public and private.

Another point on freedom is related to the social and personal levels of freedom. The liberals usually emphasize on the personal level due to their negligence of the group and social structures. Since in the liberals' view, personal level and individualism is of great import and as a result of their individualistic methodology, the liberals are unable to take into account in their studies, social structures and in their work, the personal concept of freedom somewhat passes for social concept. Personal liberties should be distinguished from social freedoms. Different religious, national and local independence movements, independence-seeking activities and class, ethnic, group and sex-related movements are all indicative of the efforts made for achieving more freedom. A large portion of the activities and movements of the modern period for obtaining freedom and independence is related to this very level of freedom. Independence movements of the colonies and semi-colonies for the purpose of expelling the strangers and getting rid of them (major political movements in Iran, for instance, tobacco movement, constitutional movement, nationalization of oil industry, uprising of 15th of Khordād, the Islamic Revolution, combating different intrigues and the imposed war), movements of different ethnic, sex, racial, and religious minorities for partaking in the decision-making process of their societies, the youths and women movements, and finally student, feminist, and worker movements are all cases of the already mentioned level of freedom with collective nature.

All of these movements lead to achieving certain kinds of personal freedom. However, regard for minor freedoms makes clear the fact that the most splendid kind of freedom is a combination of a number of related social organs, which put together, create a particular kind of social order. One should also bear in mind that unlike the liberals' views men are not born free. They are born in a network of social relations including membership in certain nationalities, particular classes, and different religions and sexes. These conditions undoubtedly effect some limitations for the human beings' freedom. Modern societies have, with no doubt, more freedom compared with those in the past due to enjoying civil and political rights. However, one should bear in mind that, for instance, getting access to social rights of citizenship such as the right to welfare, security and social cooperation is diminishing under the pretext of growing intervention of the government and as a result the growth of officialdom. These in turn cause some limitations for the freedom of the individuals.

On the other hand, the growth of reasoning and administrative processes of social life, in Weber's words, has created an iron cage for independence and personal identities not comparable with the past. Furthermore, modern western societies suffer also from the 'dictatorship of the majority' and freedom of certain individuals and groups in the society has direct relation with limitations for others' freedom.

Considering this point, which is in turn a social reality, indicates the limitation and negation of freedom hidden in the "conditional to harm" freedom defined by the liberals by following Hume's separation of law and morality. Based on this kind of freedom, the person is free as far as his freedom does not disturb that of others. In practice, giving no freedom to a particular person under the pretext of the possibility that he may disturb others' freedom is, in addition to depriving that person of the right to freedom, in fact a guarantee for the freedom of another person. This might prove clearer through an example. Suppose a person is going to have some economic activity. His activity may disturb economic activities of other persons. According to the principle of "conditional to harm" freedom of the liberals since the freedom of this person may harm that of others, his should be taken away from him. Another instance arises when, for example, two persons want to do immoral actions or when a person wants to have abortion. The individuals who are going to do the actions all agree to the activities they have decided to do and none of them will face harm. Are they to be given freedom for doing what they want to do or they should be deprived of this right due to the factor of morality?

It is clear that the "conditional to harm" problem is not instrumental in all cases. Sometimes social morality turns to be the cause of this condition, dealing with the problem of giving freedom to a person or depriving him from it. The social aspect of freedom is considered here to fasten on the question of what theoretical and practical challenges and problems the individualistic viewpoint of the liberals has faced.

The last word on the political and social liberties in both personal and social levels is the link between these kinds of freedom and nation-government relation. Using such means as law and sometimes ruling with force, the government applies limitations for establishing order. The government and its aims, its decision and applying the decisions made in other non-political domains, its level as well as the attitude of the elites and employees, all have in practice effects on personal and social liberties. With the use of law, the government asks people and the groups to do certain actions, which otherwise they did not do or ask them not to do the things,